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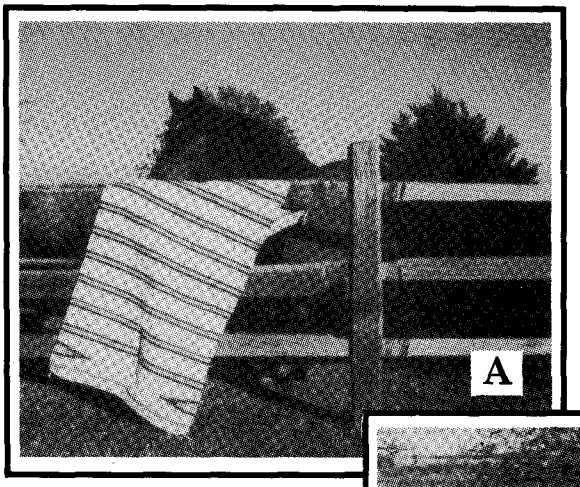

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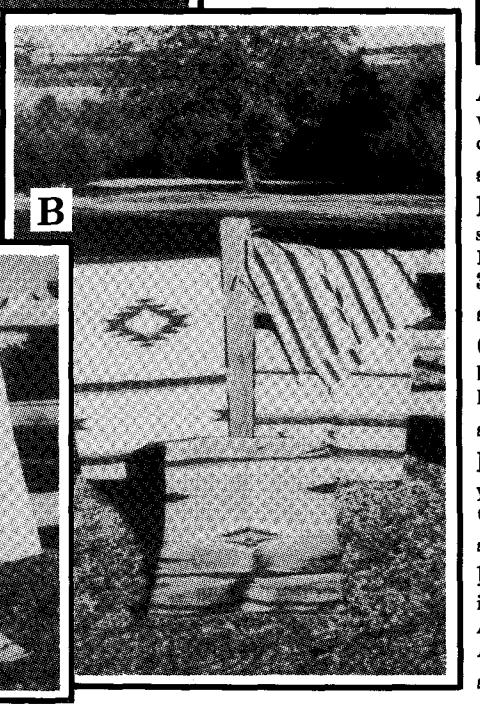

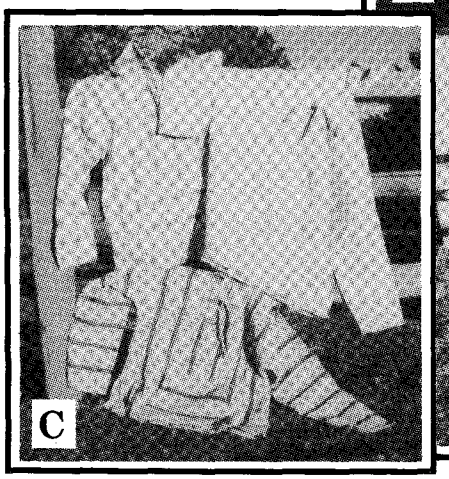

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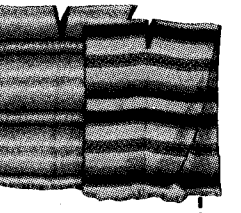

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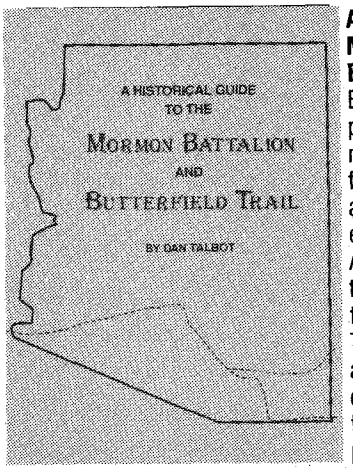

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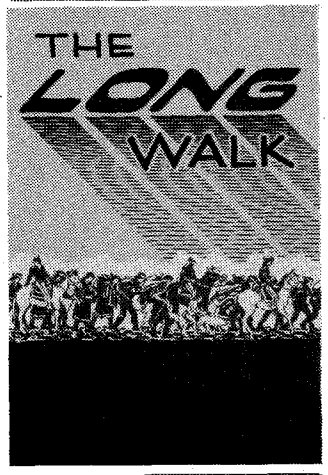

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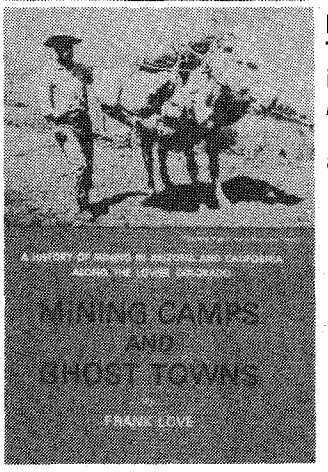

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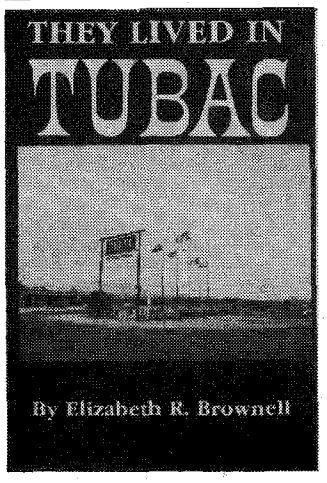

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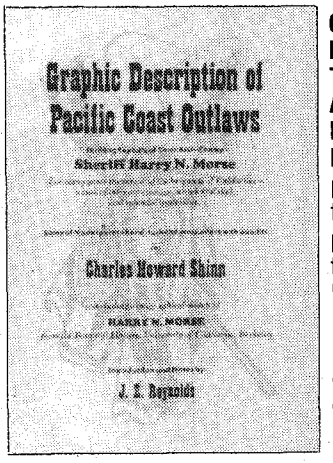

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May 1993
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Whole No. 301

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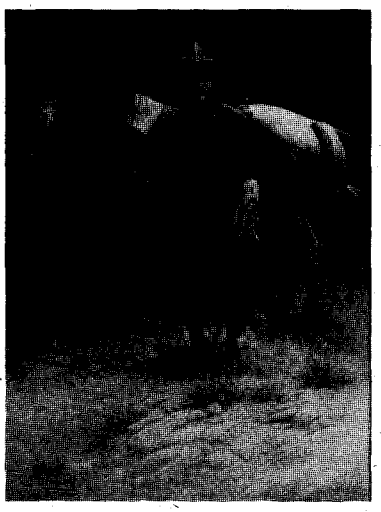

Our Cover

Chuck DeHaan's painting captures the spirit of the *Ho-an Ki.*

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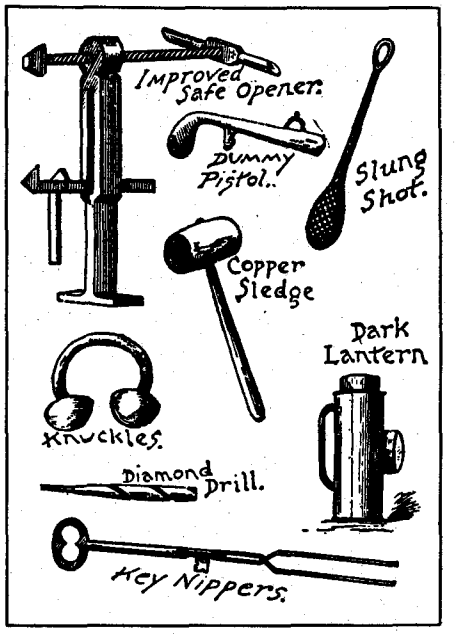

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From the Editor

Howdy, folks!

In my darker moments I used to wonder what would come of this outfit if we ever had a fire. Now I know.

It began innocently enough when we built the March TRUE WEST and sent the negatives off to the printer. The moment when the UPS driver walks out of the office with the negatives is always a mite suspenseful, for it's a good fur piece from here to the printing plant, and we never know what might befall the product of our month's labors between here and there.

A few weeks later, regular as clockwork, we got our usual shipment of office copies of the March issue. We paused briefly to breathe a collective sigh of relief and went on with the chore of constructing the April issue, in the thick of which we were—as the grammarians would have me write.

Then the telephone calls started. They generally went something like, "Howdy! Where in blazes is my dadblasted March TRUE WEST, you consarned pack of coyotes?"

Our answer generally went something like, "It's probably in the mail, but if you don't have it in a week or so, give us a call and we'll fire off another'n to you."

After a week or so the calls kept coming, and our head honcho, Steve Gragert, reckoned he orter give the printer a call, just to make sure those dogies hadn't strayed. No, ever'thing was just fine. Of course, there was this little matter of a fire at the plant that puts the outer wrappers on subscribers' copies and mails them, but their records showed the March TRUE WEST had made its getaway a few days before the big fireworks display.

So how come our good friends and loyal subscribers kept calling us in a panic that they hadn't got their March issue and their world was crumbling around them without it? Wellllll, mebbe so it were in the fire at that....

The issue was on the newsstand and still nobody was getting subscription copies in the mail. So at last it came to pass that everyone reluctantly concluded the March TRUE WEST had, indeed, met its fiery demise one cold winter's night in January. Ashes to ashes, dust to dust.

"No problem," said the shipper. "The printer can go back to press, we'll ship the issue a tad late, and all will be forgiven."

Problem: the printer already had destroyed the plates.

"No problem," said the printer. "The folks at TRUE WEST can send the negatives back to us, we'll remake the plates, the issue will be just two tads late, and all will be forgiven."

Problem: the folks at TRUE WEST had already destroyed the negatives.

"!*$@(#," said the production coordinator. "Now I have to reshoot all the pages, the magazine is going to be three tads late, and we're going to be on the bad lists of 20,000 people, about which it is not pleasant to think"—as the grammarians would have her say.

"Problem," said the editorial assistant. "I've already mailed all of the photos we used in that issue back to the authors."

"By the time we can round up the photos, reshoot the negatives, remake the plates, and finally ship the magazine," said the publisher, "the March issue will be the December issue, a lynch mob will be beating down the doors, and the bank will own the ranch. Bring me a gun with which to shoot myself!"—as the grammarians would have him moan.

Needless to say, these past couple weeks were not happy times. I won't go into technicalities about how the printers finally resurrected the March TRUE WEST, but if they hadn't performed a little late-twentieth century magic, we'd all be waiting yet at our mail boxes.

As I write this, we still don't know for certain that the March issue is safely in the mail (if that's not a contradiction in terms). The phone calls asking, "Where in blazes is my March TRUE WEST?" keep coming. But, as the saying goes, in times of trouble you find out who your friends really are. In our case, they're our faithful subscribers.

When we explain the situation, ever'last one of you has been patient and supportive, sorter like long-lost kin offering words of encouragement in a crisis. For that, all of us here at Western Publications want to say to all of you a simple word of thanks.

John Joerschke

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Waiting . . .

"Computers, Billy the Kid, and Brushy Bill: The Verdict is In," by Thomas G. Kyle (TRUE WEST, July 1990) was a truly outstanding article. As my interest in Billy the Kid has been revived recently, I was wondering if there had been any confirmation either for or against any of the other photographs that might be of the Kid.

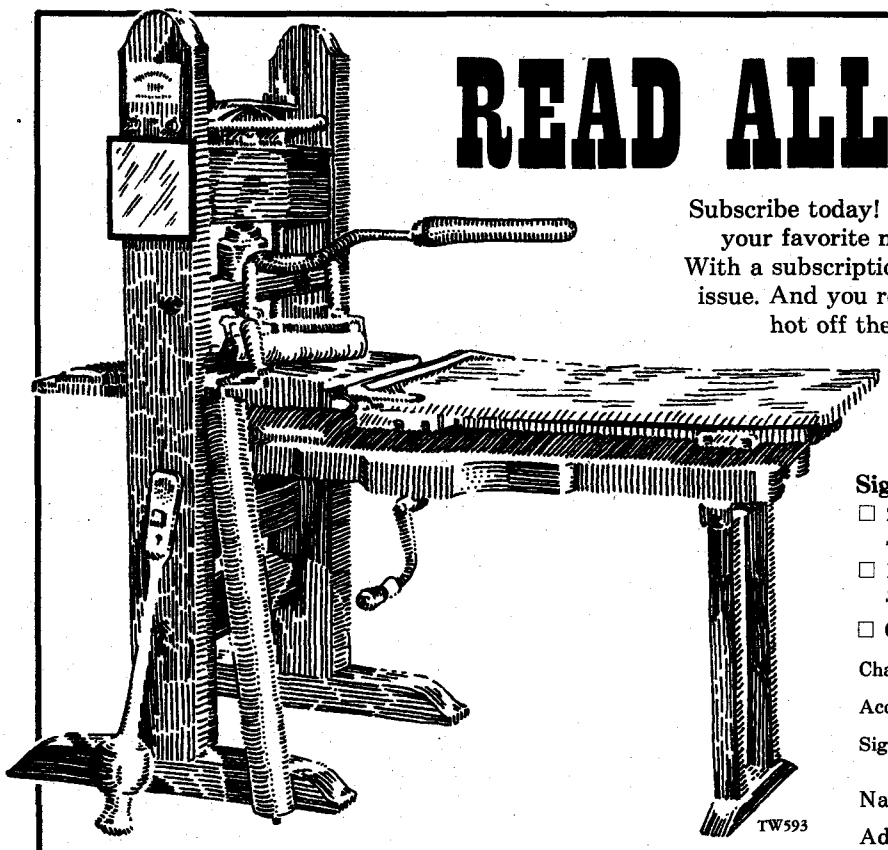
I would appreciate any information, articles, publications, books, or other writings you might know of that further discuss the topic. I have seen some of the other photos and believe that a good case can be made for their authenticity.—**Edmond Tucker, Jr., Tucson, Arizona.**

Editor's Note: So far, none of the photos submitted to the photo project has proven to be of the Kid. The first phase of the project concluded with a symposium in September 1991. The University of New Mexico Press intends to publish the symposium's proceedings, but no publication date has been set for that book.

A second phase of the project is underway, analyzing some two dozen photos submitted after the project began. Science, however, cannot be hurried, and the experts involved are making every effort to insure the most accurate, reliable results possible. If the second phase turns up any truly noteworthy results, it could possibly lead to another symposium.

In the meantime, project director Robert L. Hart, of the Lincoln County Heritage Trust, told me that the weapons report on the accepted original tintype of the Kid confirms the obvious: the Kid is armed with an 1873 Winchester and a Colt Peacemaker. The rounds in the Kid's gunbelt appear to be .44 caliber (although the difference between a .44 and a .45 in a photo is negligible), and it is logical to speculate that the rifle and pistol both were chambered to accept .44 caliber ammunition. The Winchester is apparently an *early* Model 1873, thus ruling out that any such weapon with a later serial number is the one in the photo. Finally, the Kid's Colt is in a "Slim Jim" holster; whether it has a keeper is unclear.

One especially intriguing photo has turned up, alleged to be of Billy the Kid together with Jesse James. TRUE WEST readers will recall Richard Patterson's October 1992 article, "Jesse James Meets Billy the Kid: Fact Or Fantasy?" (Because of time constraints, the project will not be able to consider



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any photos other than those which they presently have on hand.)

Hart's article in the *Quarterly of the National Association for Outlaw and Lawman History*, January-March 1992, is an excellent summary of the project's first phase. For information on obtaining copies, write to Chuck Parsons in our care. TRUE WEST will keep you abreast of the project's final results as they are made public.

. . . and waiting . . .

When are you going to give us the results of the scientific inquiry following the December 1991 exhumation of the alleged graves of Butch Cassidy and the Sundance Kid in San Vicente, Bolivia?—**C.B. Colgan, Hot Springs, South Dakota.**

Editor's Note: As soon as they become available. At this writing, the results are still being withheld until the airing of the television program on PBS's *Nova* series, which financed the expedition and analysis.

. . . and Wondering

I now have read two major versions of the fate of Butch Cassidy: Larry Pointer's book, *In Search of Butch Cassidy*, and Ann Meadows and Dan Buck's article, "Showdown at San Vicente" (TRUE WEST, February 1993). With recent information and the diggings around San Vicente, why can't we solve this riddle once and for all?—**Richard C. Maxwell, Arlington, Texas.**

Editor's Note: We'll know more when that dadblamed *Nova* show finally airs. Howsomever, even if the forensic experts conclude that the bones they exhumed were, indeed, those of Butch and Sundance, you can bet they will qualify their statements with the catchall disclaimer, "with reasonable scientific certainty." And the controversy will continue.

On the other hand, if the experts conclude "with reasonable scientific certainty" that the bones were *not* those of Butch and Sundance, the possibility still looms large that the wrong graves were excavated and the *bandidos Norte Americanos* are still at rest in the San

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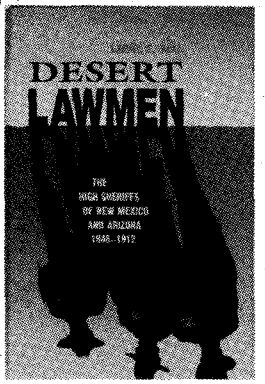

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Vicente cemetery.

Even though it would be nice to solve the mystery once and for all, I have to agree with Ann Meadows and Dan Buck, who confide they would, in a way, hate to be proven right, for part of the appeal of the Butch and Sundance legend has always been the unanswered questions about their disappearance.

The Barber's Wife

My husband has been a barber for thirty years. He has a shop in a small rural community, Justin, Texas, about thirty miles north of Fort Worth. I had failed to reorder TRUE WEST, and most of his customers became very upset. TRUE WEST is the most popular magazine in his shop; most of the men sit for hours reading it. I thought I would let you know how popular the magazine is here in this shop.—**Mrs. Ronnie Coulter, Ponder, Texas.**

Editor's Note: Thank you, ma'am, but if all those fellers had to buy magazines for their own selves, we'd be showing bigger profits, which gets me to wonderin' if there's any connection between the facts that our circulation was highest in the 1970s and that men were getting fewer haircuts back then...

Eighty Percent Badmen

I feel that as a subscriber since Issue Number One I should tell you my reason for not renewing my subscription. At the start you accepted stories on the experiences of individuals. They were interesting and informative, and TRUE WEST was the only place where such "historical" works were found. Now it is all professional research and eighty percent of it is on badmen. I've lost interest in the same old rehash, so I'll let you go with the crowd.—**Mason L. Coverston, Auburn, California.**

Your letters and comments are welcome. Please keep letters to 300 words or less. All letters received by Western Publications will be considered for publication unless otherwise stipulated in the letter. Space does not permit us to print all letters we receive. Be sure to include full name, address, and zip code. Photos welcome. Address all letters to Western Publications, P.O. Box 2107, Stillwater, OK 74076. Due to the volume of mail, we cannot forward correspondence to people whose letters appear in "Truly Western."

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Civil War-Era Barracks Intact

History enthusiasts looking for Civil War museums normally would look east of the Mississippi River, but they might be surprised to find one out west in California. Drum Barracks, established in 1861, is such a place. Located at 1052 Banning Boulevard in Wilmington, California, Drum Barracks Civil War Museum is the only Civil War-era United States Army building in southern California that remains intact.

Military activities in the West in 1861 were under the command of the Department of the Pacific, headquartered at the Presidio in San Francisco. But in the tense months prior to the outbreak of the Civil War, it became apparent that a strong military presence was necessary to control large numbers of Secessionists, most of whom had emigrated to California from Southern states.

The First Dragoons from Fort Tejon under Major James Henry Carleton were sent to Los Angeles to support Captain Winfield Scott Hancock, the quartermaster there. Carleton took command of the First California Volunteer Infantry and the regiment soon moved to Camp Drum (named in honor of Richard Coulter Drum, the adjutant general of the Department of the Pacific) at New San Pedro, later renamed Wilmington.

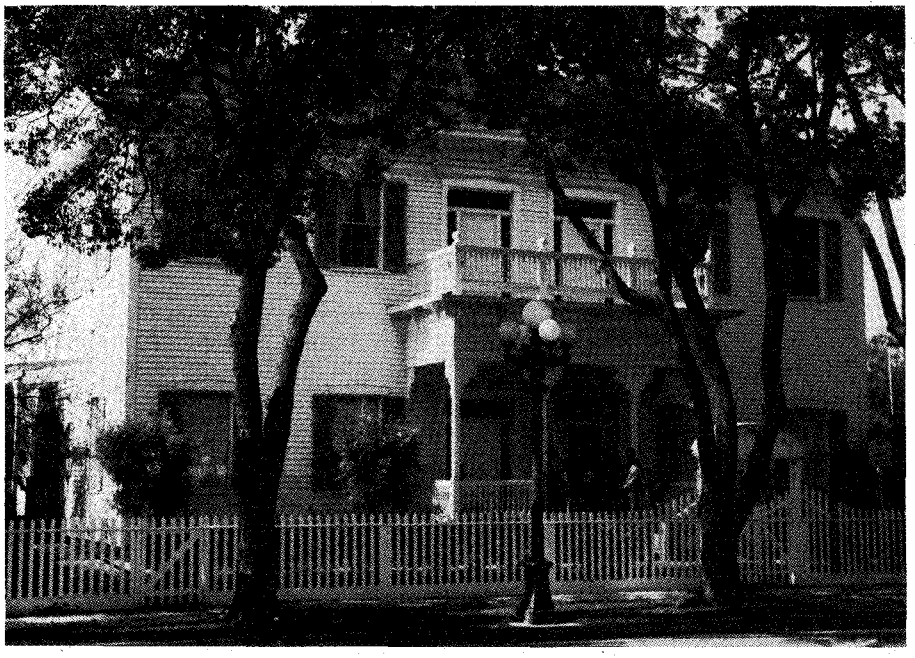
In late 1861, Carleton received orders to mount an expedition to the Rio Grande to help New Mexico and Colorado forces repel a Confederate invasion of the region. Within nine months the California Column, as it became known, had moved across the hot deserts of the Southwest to occupy Arizona, southern New Mexico, and western Texas.

Camp Drum was initially a tent encampment, but in 1862 nineteen permanent buildings were built on sixty acres donated by Wilmington entrepreneur Phineas Banning and B.D. Wilson. The camp was redesignated Drum Barracks. Until its deactivation in 1871, Drum Barracks was the main training, staging, and supply base for military operations, mostly against Indians, in southern California and Arizona.

In 1873 the War Department directed that the buildings of Drum Barracks be sold and the land returned to Banning and Wilson. Banning bought five of the buildings, Wilson bought one.

Ninety years later, in 1963, concerned local citizens formed the Society for the Preservation of Drum Barracks when they learned that the last remaining building, the original junior officers'

(See **Drum Barracks,** *page 10)*



City of Los Angeles Department of Recreation and Parks

Drum Barracks Civil War Museum in Wilmington, California.

Camp With Texas History

By DAVID F. CROSBY

Some campsites offer just that—campsites. But as visitors enter Goliad State Park at Goliad, Texas, and see the Mission Espiritu Santo still sitting on the hill where it was constructed in 1749, they soon know that it is a camping location rich in Texas history.

Recreational vehicle campsites rest under the shade of oak trees, within shouting distance of the mission and the San Antonio River. Primitive campsites are tucked back inside the park for those who prefer backpacks and hiking. The fun really begins after visitors get their campsites set and start exploring.

The first stop is Mission Espiritu Santo. First established as the Nuestra Senora del Espiritu Santo de Zuniga Mission in 1722 near Matagorda Bay, the mission was moved four years later to a spot on the Guadalupe River. In 1749 the mission moved again to its final home at Goliad.

Visitors can climb the grassy knob toward the mission and think of the men who climbed it centuries before. Priests treading the same ground must have seen the bountiful water of the nearby San Antonio River as a gift from God—a badly needed gift that sustained the 40,000 head of cattle they raised to feed themselves and the Indians they sought to Christianize.

In the chapel—the cultural center of the mission—the air cools, a trait that must have encouraged its use as a

(See **Goliad,** *page 10)*

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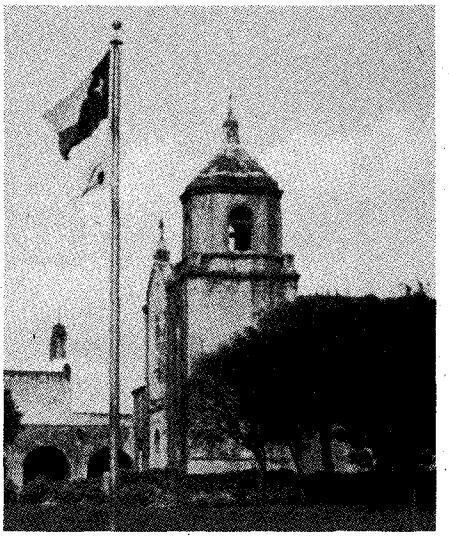
Goliad

(continued from page 9)



David F. Crosby Photo

Mission Espiritu Santo, constructed in 1749, sits on a hill above Goliad State Park headquarters.

refuge in the cruel Texas heat. Next door, in what was once the mission granary, is a superb museum that helps tell the mission story.

The colonizing Spanish were fiercely Catholic and unabashedly racist—they sought to turn indigenous people into slaves for the church and Spain. The priests' rationale was simple; it was better to enslave an Indian and save a soul than allow a free heathen to roam the earth. Such priestly attitudes necessitated that a military fort, or presidio, protect every mission.

The presidio La Bahia protected Mission Espiritu Santo. La Bahia and the mission are the only mission-presidio pair remaining in Texas. The presidio sits on its own hill, one-half mile south of the mission on US 183.

Entering the presidio, visitors step into a museum that was originally military quarters. During restoration, archaeologists excavated from six to eight feet down into the grounds, sifting the soil for artifacts. They discovered everything from pottery to bayonets. Museum displays now catalog the everyday life of the soldiers who lived there.

Comanche and Lipan-Apache warriors clashed with Spanish soldiers in the area in the late 1700s. During the early nineteenth century, Mexicans and Spaniards traded bayonet thrusts during the Mexican revolt of 1810 to 1821. "Filibusters" James Long and Henry Perry attacked and took the stone fort. But La Bahia is most remembered for the massacre of Colonel James Fannin's Texas soldiers during the Texas Revolution.

Fannin surrendered his forces after General Urrea's cavalry overtook them near Coleto Creek nine miles outside of Goliad. Fannin surrendered with the agreement that he and his men would be treated as prisoners of war. Instead, the Mexicans marched them back to La Bahia and, on orders of General Santa Anna, shot them. Only twenty-eight men survived. A monument to the slaughtered Texas soldiers stands several hundred yards behind La Bahia, where their bodies were buried.

After leaving the museum, visitors can stroll the grounds and enjoy the view from the corner bastions where cannon and soldiers stood watch over the hostile countryside. But the highlight of the presidio is the chapel of Our Lady of Loreto. Amazingly, the chapel is still active.

After exploring, there is still plenty to enjoy. Across the street from the park entrance is a junior-size Olympic swimming pool. Outdoorsmen might like to take advantage of fishing spots on the San Antonio River, and park grills offer places to cook the day's catch.

Goliad State Park is an excellent camping location to experience the history of Spanish military and mission life. For further information, contact the park superintendent, Goliad State Park, PO Box 727, Goliad, Texas 77963, or phone (512) 645-3405.

Drum Barracks

(continued from page 9)

quarters, was up for sale and demolition. Intensive lobbying prompted the State of California to buy the building in 1967.

Today the Los Angeles Department of Recreation and Parks operates the museum in the sixteen-room structure. It contains many artifacts from the Civil War era in southern California. Museum tours are scheduled Tuesday through Thursday at 10:00 a.m., 11:00 a.m., and 12:00 noon; Saturday at 12:30 p.m., 1:30 p.m., and 2:30 p.m. Admission is a one dollar minimum donation per person. For more information about the museum, call (213) 548-7509.

Western Roundup is a report on places to go and things to see associated with the history of the Old West. Submissions are welcome. Information on scheduled events should be submitted at least four months prior to the event. Items on historic places are also welcome. Send information including photos to: Western Roundup, Western Publications, P.O. Box 2107, Stillwater, OK 74076.

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Answer Man

By CHUCK PARSONS

Fact from Fiction

Fiction writers often blend fact into their stories. C. Ross Barnes, La Feria, Texas, asks if the characters John Joel Glanton and Judge Holden in Cormac McCarthy's *Blood Meridian* were real westerners.

While the McCarthy book is more fiction than fact, and the Judge Holden character is a composite of several other characters, J.J. Glanton was indeed a historical figure, best known as a scalp hunter. A native of South Carolina, Glanton showed up in San Antonio, Texas, by at least 1836. He soon married a young Mexican woman. Glanton developed a life-long hatred of Indians, supposedly because they killed his wife.

Glanton may have scouted under Colonel James W. Fannin in 1836, avoiding the massacre of that officer's command at Goliad. He was in San Antonio at the "Council House Fight" on March 18, 1840, in which a Comanche peace meeting turned into a slaughter because of white treachery.

Glanton served in the Mexican War under Jack Hays, thus earning valuable experience as a fighting man. Glanton became a professional scalp hunter by late 1848 and was the recognized leader of a group of scalp hunters. He likely turned in Mexican as well as Indian scalps for bounty.

After being chased out of Mexico, the group landed near present-day Yuma, where they took over a ferry and became a general nuisance in the area. Sometime in 1850 a group of Yuma Indians revolted and killed Glanton and others of his gang.

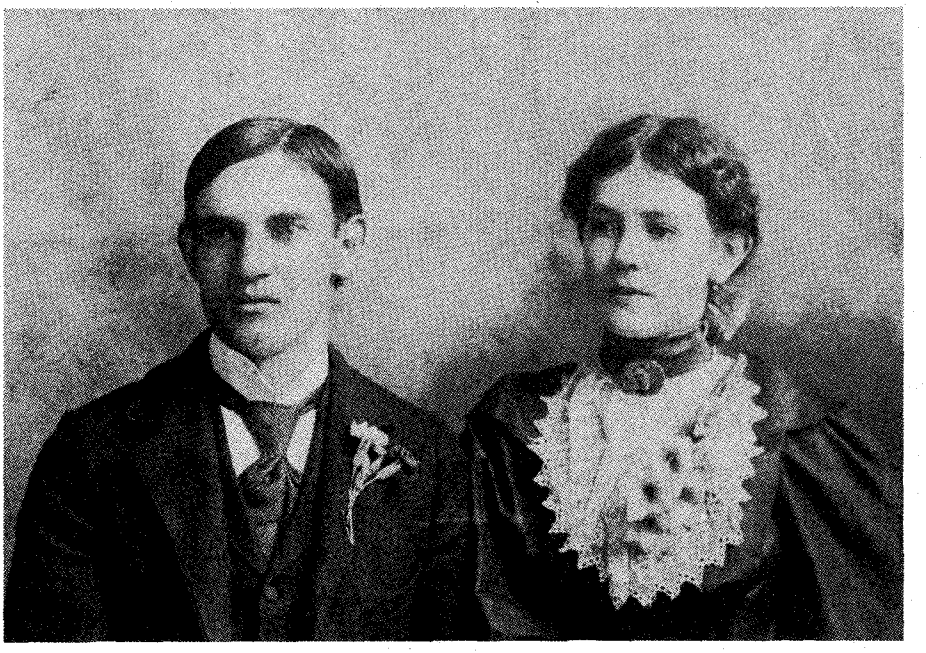
Overland Pioneer

John Bidwell was one of the first immigrants to reach California from the Missouri River. H.E. Steiner, Davis, California, read about Bidwell's wife in the October 1992 TRUE WEST and wants to know more about the man himself.

Bidwell was a well-educated man, born in Chautauqua County, New York, on August 5, 1819. He lived in Ohio, where he taught school and then moved on to Missouri. In 1841 he set out with a wagon train headed for California. Bidwell and only about thirty-two others ultimately reached California after many hardships.

Bidwell went to work for John Sutter, and, following the discovery of gold on Sutter's property, found gold elsewhere himself. In 1849 he obtained a 22,000-acre ranch north of Sacramento and became a highly respected agriculturist. He became active in politics, a friend of the Indians, and an advocate of the transcontinental railroad. Bidwell died April 4, 1900.

Bidwell wrote a book about his experiences entitled *Echoes of the Past, A Journey to California.* It covers the time from May 18 to November 6, 1841. The book was the earliest published account of an overland journey to California, first printed in 1842 and reprinted in 1937.



Author's Collection

Jesse Edwards James and Stella McGown on their wedding day, January 24, 1900.

Jesse's Offspring

Jesse James' exploits are well known, but many people may not know about his family life. Harold R. Johnson, Big Rapids, Michigan, wants to know about Jesse's wife and their children.

Jesse married his first cousin, Zerelda Amanda Mimms, in Kearney, Missouri, on April 24, 1874. Their son, Jesse Edwards (sometimes called Jesse, Jr.,) was born August 31, 1875. They had twins, Gould and Montgomery, who died shortly after birth. A daughter, Mary Susan, was born June 17, 1879.

Jesse, Jr., married Stella McGown on January 24, 1900, and died March 26, 1951. Mary Susan married Henry Lafayette Barr on March 6, 1901, and died October 11, 1935. Some of their descendants are living today.

Valuable family information is in the book, *In the Shadow of Jesse James*, edited by Milton F. Perry. The book discusses Jesse, Jr.'s, life. Jesse, Jr., wrote a book, *Jesse James My Father*, which has been reprinted a number of times. Jesse, Jr., also made a movie, *Under the Black Flag*, about his father's career. The movie remains a valuable historic document, but at the time it was a financial flop. Prints are now available on video.

Jesse, Jr., was also accused of participating in a train robbery on September 23, 1898. He stood trial and was acquitted.

Obscure Gunfighter

Not every gunfighter obtained the fame of Wild Bill Hickok or John Wesley Hardin. Tony Hardy, Morehead City, North Carolina, wants to know about one such lesser-known character, a Caldwell, Kansas, gunfighter-lawman named George W. Flatt. Hardy would

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especially like to know about Flatt before his arrival in Caldwell.

Unfortunately, all that is generally known about Flatt deals with the Caldwell period. The 1880 Sumner County census lists George and his wife, and shows him to be a twenty-seven-year-old Tennessee native. Flatt married Fanny Lamb on September 9, 1879, and termed himself a detective. That is about all we know of Flatt before his career as a lawman in Caldwell.

On July 7, 1879, Caldwell Constable W.C. Kelly, Deputy Constable John Wilson, and posse member Flatt had to quell an argument in front of the Occidental Saloon. When the argument turned violent, the lawmen pulled their weapons. When the shooting stopped, George Wood and Jack Adams, who had resisted the officers, were dead, and bystander W.H. Kiser was wounded. Flatt and Wilson were each credited with one of the dead men.

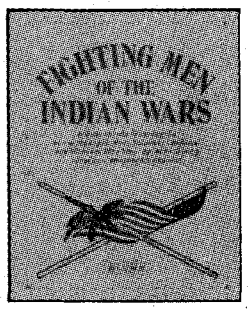
At the time some newspaper reports credited Flatt with "killing another man." The Caldwell *Post* responded by saying that was false and Flatt was a "peaceable and quiet citizen," not a gunman. If Flatt had killed prior to the encounter, there is no creditable record of it. However, G.D. Freeman, who knew Flatt and was in Caldwell at the time, later wrote that, prior to the gunfight, Flatt had killed nine men.

Flatt opened an elegant saloon with a man named William Horseman. While operating the establishment he ran for city marshal, winning the office in August 1879. He served until April 1880. On April 5 Mike Meagher, former city marshal of Wichita, was elected mayor of Caldwell and replaced Flatt with Horseman.

On June 19, 1880, Flatt was murdered on a Caldwell street. Although there were perhaps several men involved in the ambush, only one, Horseman, was tried for the crime. He was acquitted, thus no one was ever punished for Flatt's murder.

Four days after Flatt's death, his widow gave birth to their son. The boy, Georgie Flatt, died on April 2, 1883.

If you have a question, send it to Chuck Parsons, Western Publications, P.O. Box 2107, Stillwater, OK 74076. Please keep questions brief. Sign your full name and address, including zip code. Names will be published if question is used. Space limitations may not permit us to use all questions. Due to the volume of mail, we cannot forward correspondence to people whose questions appear in "Answer Man."



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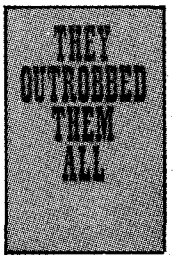

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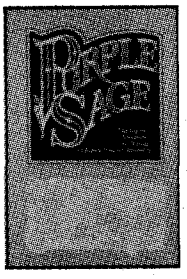

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Ho~an Ki

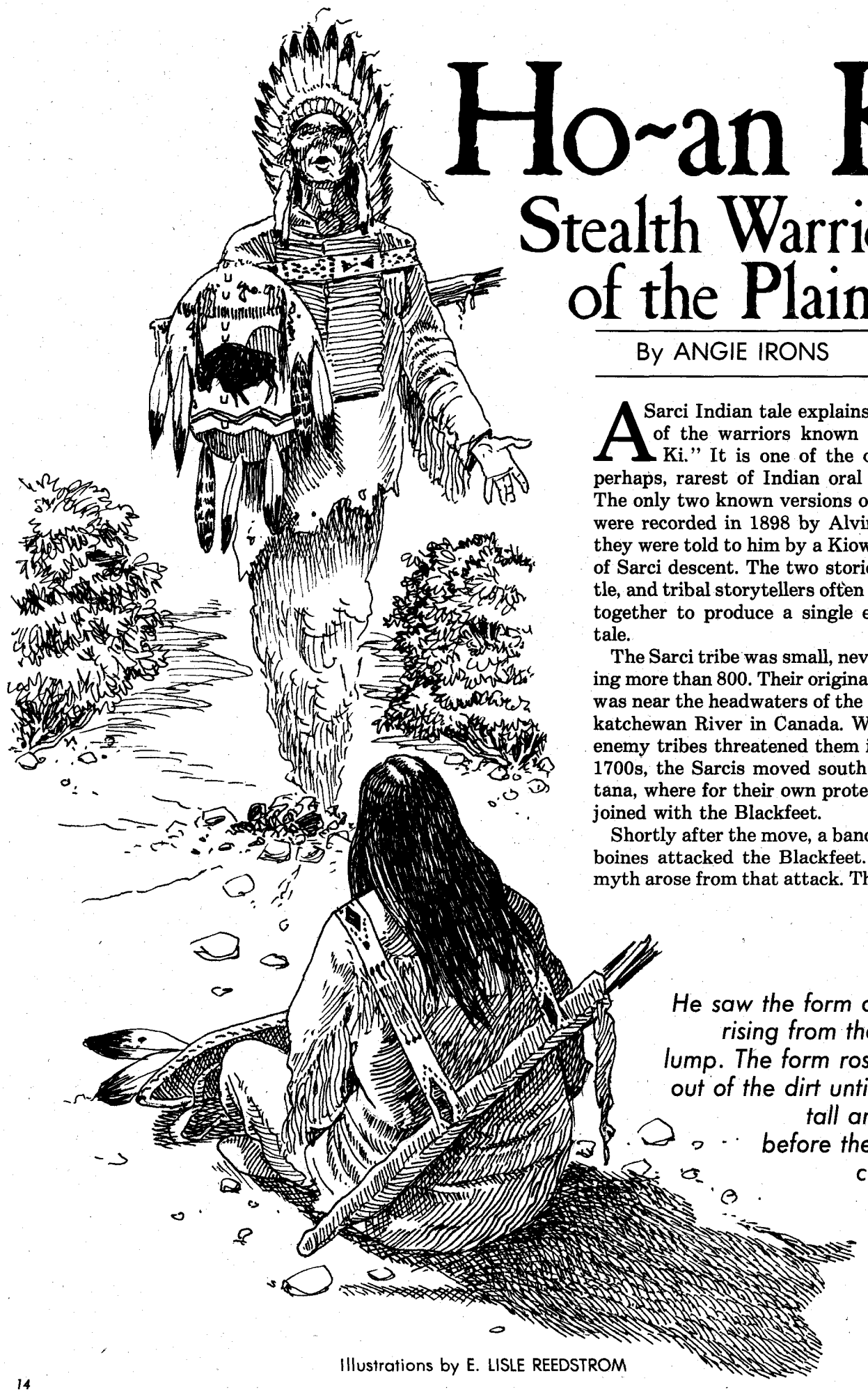
Stealth Warriors of the Plains

By ANGIE IRONS

A Sarci Indian tale explains the origin of the warriors known as "Ho-an Ki." It is one of the oldest and, perhaps, rarest of Indian oral traditions. The only two known versions of the myth were recorded in 1898 by Alvin Nicks as they were told to him by a Kiowa who was of Sarci descent. The two stories vary little, and tribal storytellers often wove them together to produce a single electrifying tale.

The Sarci tribe was small, never numbering more than 800. Their original homeland was near the headwaters of the North Saskatchewan River in Canada. When larger enemy tribes threatened them in the mid-1700s, the Sarcis moved south into Montana, where for their own protection, they joined with the Blackfeet.

Shortly after the move, a band of Assiniboines attacked the Blackfeet. The Sarci myth arose from that attack. The tale is so



He saw the form of a man rising from the bloody lump. The form rose higher out of the dirt until it stood tall and whole before the startled chief. . . .

Illustrations by E. LISLE REEDSTROM

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old that the real names of the Blackfoot chief and the Assiniboine warriors involved have been forgotten.

Early one spring morning, just as the sun was waking, a large band of Assiniboine warriors snuck upon a Blackfoot camp and attacked it without warning. Even though the Blackfoot warriors were heavy with sleep, they put up a harder fight than the Assiniboines had expected.

Soon the Assiniboines realized they could not win the fight, so they looked around for something valuable to steal. Something important. Something that would make the Blackfeet's hearts sad and make them cry out in anguish.

As some of the Assiniboines were running to escape the camp, they came across the wife and three children of the Blackfoot chief, cowering in a hole partially hidden by a big fallen tree limb. One of the Assiniboines got down on his knees and pulled the three children, two boys and a girl, out of the hole by their arms. All the while, the mother of the children was fighting him. She hit him and kicked him in the face. Finally he got mad and struck her on the head with his war club. She fell dazed.

The Blackfoot chief and many warriors came running as the Assiniboines, carrying the children, disappeared into the woods along a nearby stream. The Blackfeet chased them three days but never caught them. With heavy hearts, the chief and his warriors returned to his village.

For days the chief mourned his children until he could bear his grief no more. He walked out onto the high plains and lifted his face to the spirits of the sky.

"My children are gone," he cried, in anguish. "I mourn them," he said, sadly. "My wife mourns them and my people mourn them."

He took out his knife and cut a gash across his bare chest, then leaned over, letting the blood drip onto the ground in tribute to the spirit mother of the earth. He took up a handful of the bloody earth and held it to the sky. "Please," he yelled to the father spirit in the sky. "Help me find my children."

All day he prayed, holding the bloody earth in his hand, but nothing happened. Despairing, he dropped the dirt, and started walking back to camp. Suddenly he heard a faint whirling sound behind him. He turned around and saw the form of a man rising from the bloody lump. The form rose higher out of the dirt until it stood tall and whole before the startled chief.

The man-form said nothing but walked to a pile of dung lying on the prairie. He picked up the dung and tossed it into the air. As the dung fell it turned into a red and yellow shield and a bow made of horn wrapped in a rattlesnake skin. Tied to the bow was a panther-skin quiver full of feathered arrows.

The man-form picked up the shield and weapons, and his dark fierce eyes turned upon the chief. "I am Tor-ank-ain, 'never-ending hunter of men,'" he said loudly. "My war powers are great." He stuck out his chest proudly. "My walk is silent like the cat; no one hears me. Like the wind, I creep among my enemy; no one sees me. Like the eagle, my eyes are sharp, and I trail my enemies across water."

He paused for a moment. "Like the fox, I know my enemy," he continued, "and by this knowledge bring defeat to my enemy. Like the cougar, I fight with cunning and bravery. Like the patient desert lizard stalking prey, I never give up."

Silence hugged the plains as the mighty Tor-ank-ain stepped before the frightened Blackfoot chief. "I alone can find your children and return them to you," his voice boomed. "But when I do so, you must give me a good wife and a place in your camp, for I am made of grief, blood, earth, and spirit, and I can never return from where I came."

The chief was frightened but wanted to see his children again, so he nodded his head in agreement. Moving like a fleet-footed deer, Tor-ank-ain started across the high plains.

A few days later, stories began filtering into the Blackfoot camps. The Assiniboines were being attacked by a warrior who moved through them like a ghost, leaving behind a trail of dead and dying warriors. Panic-stricken, the Assiniboines abandoned their camps. Leaving behind all they owned, they raced terrified onto the plains, trying desperately to outrun the demon that stalked them. The Blackfoot chief smiled to himself when he heard the stories.

Before the moon had changed, the Blackfoot chief's children were safe within his lodge. A good wife was given to Tor-ank-ain, and for a while he settled down, becoming a good father and husband. But he soon grew restless and moved southward into the Cheyenne nation seeking ways to exploit his powerful war skills. He joined the Cheyennes in war against their enemies and took a Cheyenne wife.

Three times before his death as an old warrior, Tor-ank-ain changed tribes, went to war, and became a husband and father. To his male offspring, he left his war skills and restless nature. Thus was born a new and rare breed of Indian warrior.

The Central Plains Indians called these "new" warriors Zedalbe Yapche, "fearful warriors," or An'es Ho'an'e Yapache, "the ever-trailing or relentless warriors." These warriors were virtually unknown among eastern Indian tribes and were found only among a dozen or so western tribes.

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While their fellow tribe members and western Indians in general feared and admired the warriors, few white men knew of them until Texas was besieged by overwhelming Indian depredations in the late 1850s. A few of the "special warriors" suddenly began appearing along the Texas frontier, somberly offering their services to the beleaguered Texans and the overextended frontier United States Army. Post interpreters who saw nothing particularly fearful about the warriors, interpreted their name as *Ho-an ki,* "trail men," which the army soon simplified to "trailers."

Unfortunately, because the army paymasters' records, field reports, and daily post returns failed to distinguish among trailers, trackers, and guides, the three very distinct groups have become synonymous. Down through history they have come to us lumped under one term, "scouts." As a result, the very specialized skills of the trailers have been overlooked or misunderstood, and many of their valorous deeds have gone unsung.

No one knew what to expect from the new trailers when they first appeared on the Texas frontier. At first, both the Texans and the United States Army

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Trackers located water, found and marked new routes or roads for the advancing troops and baggage wagons to follow. They found defendable overnight campgrounds with sheltered grasslands for the troops' horses. They searched out high grounds and built signal fires to warn of advancing enemies or to direct troop movements.

tended to think of them as trackers. Indian and half-blood trackers had been used by the army since the Revolutionary War. The traditional trackers, although greatly skilled in tracking, did more than just track hostile Indians and renegade white men. They accompanied both small patrols and large army movements, performing a wide array of duties.

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In a pinch trackers acted as interpreters, they hunted game for the troopers, stood night guard, and in general did what was necessary around camp. They often located friendly as well as hostile Indian villages and many times laid the foundations for negotiations between hostile Indians and the United States Army. They carried messages between troops, fought beside the troopers, and frequently ran long-distance personal errands for the officers. Their advice and fighting skills were generally highly valued by "seasoned" officers.

When the new trailers began showing up, the army was apprehensive about using them. As increased Indian depredations flamed across Texas, however, officers reluctantly assigned trailers to accompany troops. Then the difference between trackers and trailers hit the army like a thunderbolt.

Trailers were an elite group of men who had individually trained themselves for nearly inhuman physical endurance and rugged guerrilla-type warfare. They were the fastest, hardest, longest distance runners on the plains. They could go without food for days and still retain their fighting abilities. Their power to resist pain was phenomenal, and they were heralded as the finest horsemen and trackers in the West.

Their stealth skills were remarkable. They could pluck an enemy from the midst of a war party or sleeping village undetected and take him to their officers for questioning. When an Indian prisoner refused to talk, the army often turned him over to the trailers, who were well versed in the Plains Indians' various religions and proficiently used religious taboos to frighten Indian prisoners into talking. Most Indians mortally feared their religious taboos, and trailers rarely had to resort to torture to get a prisoner to talk.

Officers frequently sent trailers after enemies of the army, and they were relentless. Strong willed and fiercely loyal to the officers they served, they followed their orders to the letter, be they to capture, kill, or return with the men after whom they were sent. Ever prideful, a trailer would rather die than fail in his assigned task.

Qualified trailers were few and so thinly spread among the army's forces that it was unusual for more than one trailer to be assigned to any one patrol or fighting force. Occasionally, however, when the army thought the situation important enough, two trailers would be sent together to hunt down a man or group of men. The trailers, though traveling together, showed no loyalty to each other. They cooperated only so long as it benefited the hunt. If one of the trailers were injured or became ill, the other abandoned him. Their only loyalty was to the accomplishment of the assigned task.

Normally, the trailer's favorite weapon was a stout rawhide thong with which he could quietly strangle a man into unconsciousness or death. He also used the thong as a snare for capturing food or tying up a prisoner, or as a tourniquet. Sometimes the trailer wrapped the thong around his hand to reinforce his fist for fighting. Ingeniously combined with a knife and a springy bush, it became a deadly trap.

The army showed its favoritism by often supplying the trailers with the latest state-of-the-art carbines, rifles, and handguns. The trailer, who was preparing for a hard, long-distance manhunt, normally left behind all of those firearms except the rifle. Traveling light meant traveling faster, so a trailer's normal gear consisted of a

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blanket, usually worn folded and secured around his waist; a short, double-edged leg or moccasin knife; and a hunting knife.

On the belt around his waist hung a mid-sized pouch containing a flint and steel for making fire, an extra pair of moccasins, a couple of rations of parched corn and jerked meat, and several rawhide thongs of various lengths. A small, skin water bag slung around his neck, a rifle, and a bandoleer of extra rifle shells completed his outfit.

The trailer normally started a hunt on horseback, rode the horse to death, and then ate it, usually raw. The horse that had to be fed, watered, and rested, was only a hindrance that slowed the trailer. Nature gave the trailer all the clues he needed to find his prey, and no sign was too small for him to heed. He noted the sounds of nature, the tracks of animals suddenly frightened from their path, and the sudden flight of birds from the brush.

HE KNEW that even in the desert sands tracks made after dark usually were crossed by minute insect tracks. From the length of a man's stride he could tell if the man were walking, running, carrying a load, or walking backward, or if the man were fatigued or injured. He could even tell the color of the horse a hunted man was riding, for when a horse is unsaddled after a long ride, it invariably rolls in the dust, leaving behind hair.

Because each tribe wore a distinctly different pattern of moccasin, the trailer could easily determine his prey's tribe. Once he knew the tribe, the trailer could apply his knowledge of its customs to help him understand the movements of the man he was tracking. When entering enemy territory the trailer would either take with him or steal a pair of that tribe's moccasins, thus, in a sense, covering his own tracks.

A student of human habits, he learned that when a man enters a stream he almost always comes out on the same side that he entered, and that a man's rest pattern when traveling hardly varies. That, coupled with the knowledge that all Indian tribes used the same landmarks, enabled the trailer to "second guess" his prey's destination and, with luck, to get there ahead of him. "Second guessing" was done with the greatest of care, however, for the trailer knew the slightest miscalculation might turn him from hunter to hunted.

One such trailer was Haoh-hobi, of the friendly Penateka Comanches living on the Texas Brazos Indian reservation in the 1850s. A group of hostile and distrusting Texans asked him to help them hunt down a band of Indians that had been raiding the area. Believing that it would be best for his band if he did so, Haoh-hobi reluctantly agreed.

John Williams later wrote of the incident, ". . . our trailer's name was Haoh hobi, a light skinned Penateka breed . . . . first morning out by crawling on the ground and blowing at the dust, he cut the raiders' tracks . . . unshod ponies all. He showed us how the running ponies' hoofs had lightly touched the earth, the movement created tiny nicks in the hard dirt . . . something all our eyes had overlooked. We followed the nicks for the rest of the day.

". . . yesterday, just at night break, we came upon the raiders in their camp . . . in the darkness Haoh hobi snuck in and strangled two of them with a rawhide thong that he wore around his neck. We then attacked shooting and

Traveling light meant traveling faster, so a trailer's gear included a blanket, a short, double-edged leg or moccasin knife; a hunting knife; and a rifle.

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For a time the trailers saw duty along the Smoky Hill River in Kansas, protecting the Union Pacific Railroad crews from fierce Kiowa and Comanche attacks. Then in the winter of 1868, they moved out with General Phil Sheridan's forces in an effort to punish and drive all the warring hostiles onto reservations in Indian Territory.

killing one more. Two others escaped. It was getting late in the year and there was still a lot of work waiting for us at home so we took a vote. Everyone voted to go home."

Fourteen days later Williams wrote, "I was surprised today to see our old trailer Haoh hobi riding up to my ranch. He had with him bound and thrown across a pony the two Indian raiders we had been chasing. These he delivered to me. All this he did without pay except to ask my help in assuring the other ranchers that it was not the Penateka who were raiding their ranches . . . but the Kiowa who had come down from the north."

On the whole, trailers were moody and aloof and considered themselves superior to the more numerous trackers. Although they were paid about the same as trackers, the trailers refused to hunt, forage, participate in general camp duties, or help in any way except to fulfill their trailer duties, which included fighting with the troops when need be.

Unlike other Indians, trailers did not partake of alcohol and frowned upon those who did. Liquor meant losing control of their senses, something they feared greatly. Their only willing loss of control came when they fasted while seeking a vision.

While they did not mind working or fighting against their own tribe in general, they refused to bring any harm in any way to their family band. Although respected by their tribesmen, they were never comfortably accepted. White men, too, tended to eye them nervously, and they became outcasts, usually camping completely alone a short distance from wherever they were working.

Real loners, trailers did not take a wife until late in life. Home then became a little cabin or tepee in an isolated region within a half-day's ride from the fort where they worked.

Throughout the later 1850s trailers rode with Texas civilian forces and the United States Army alike, but like everyone else, they chose sides when the Civil War began. Records concerning Confederate trailers are scant. Evidence hints that some of the trailers, who spoke English, were sent to spy on Federal troop movements in Kansas.

After Confederate forces were driven out of New Mexico in 1862, the Union Army used trailers along with Comancheros to guard the New Mexico border from a possible second invasion from Texas. When the invasion did not materialize, trailers filled their usual role fighting the Indians who were raiding along the Santa Fe Trail and the Kansas, Colorado, and New Mexico frontiers.

One of the most famous battles involving trailers was Kit Carson's fight against hostile Kiowas at Adobe Walls in 1864. According to Indian tradition, two Jicarilla Apache trailers, not Comancheros, led Carson to the hostile Indian camp. Kiowas still claim today that it was those trailers who entered their camp and slaughtered two blind and helpless old men in their tepees. History, however, credits the deed to the Ute women who accompanied Carsons' forces.

After the Civil War's end, the number of trailers offering their services to the United States Army plunged. Undoubtedly many trailers lost their lives in the Civil War while others left the profession because of advancing age or injury. The war itself was not conducive to training trailers, and young Indian warriors seemed more interested in the spoils of raiding the frontier than in the rigors of trailing. Still, a few hardy trailers joined the newly reorganized United States Army and marched off to fight the Indian Wars raging on the frontier.

For a time the trailers saw duty along the Smoky Hill River in Kansas, protecting Union Pacific Railroad crews from fierce Kiowa and Comanche attacks. Then in the winter of 1868, they moved out with General Phil Sheridan's forces in an effort to punish and drive all the warring hostiles onto reservations in Indian Territory.

That campaign was one of the largest ever on the south central plains. It brought about General George A. Custer's famous Battle of the Washita and forced the Kiowas, Comanches, Kiowa-Apaches, Arapahoes, and Southern Cheyennes onto their respective reservations. It also spawned the colorful Indian legend of the great trailer Na-shay-nee. Some believe the legend to be true, for all of its historical facts are accurate, with one exception: there is no military record of Na-shay-nee. That is not unusual, however, for Indian names, being difficult to pronounce, were often misspelled beyond recognition on military records.

When the 1868 winter campaign started, the army did not know just

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where the hostile Indians were. To locate and subdue them, Sheridan planned a three-pronged campaign. The main forces under Custer were to move out from the newly constructed Camp Supply in Indian Territory. The other two forces, from Fort Lyon, Colorado, and Fort Bascom, New Mexico, were to cross the Texas Panhandle as beaters, driving Indians they found toward Indian Territory.

Sheridan was counting on the element of surprise, and the three columns worked as quietly and as secretively as they could. The hostiles had never before been attacked in winter and would be resting calmly in their winter camps. The slightest warning, however, could send them scattering across the prairie and out of Sheridan's grasp.

According to legend, Na-shay-nee was stationed at Fort Bascom in 1868, but was away on extended dispatch duty when the troopers were preparing for the campaign. As the soldiers rushed around the post they scarcely noticed the two unfamiliar Indians lolling around the fort. There were always a few Indians hanging around the fort, begging for food and coffee—"coffee coolers," the army called them. These two were Utes, or maybe mixed-blood Jicarilla Apaches. The post commander decided he could question them after the column was safely on its way.

On November 17, the column of 563 men, composed of six troops of Third Cavalry, two companies of the Twenty-seventh Infantry, and four mountain howitzers was ready to move. Accompanied by a large compliment of guides and scouts and led by Major Andrew Evans, they turned into the winter wind and moved out.

TWO DAYS LATER as Na-shay-nee rode into Fort Bascom, he was met by an ashen-faced post commander. The two "coffee coolers" turned out to be Comanche warriors disguised as Utes. They had suddenly disappeared the day that Evans' troops left, undoubtedly to alert not only their own people, but the rest of the hostiles as well. The commander was beside himself. "Stop them before they spread the alarm," he ordered. Without a word Na-shay-nee spun his mount and thundered from the post in hot pursuit. He was never seen alive again.

The following spring a group of Cheyenne warriors fleeing for the safety of the Staked Plains in the Texas Panhandle discovered Na-shay-nee's thawing body. Two arrows protruded from Na-shay-nee's chest and another jutted from his upper left thigh. Near his neck, embedded just below the collarbone, was a steel-headed war axe. A long knife wound gaped across his left shoulder. Animals had gnawed at the flesh.

Dabs of blood mixed with black ashes still clung to his face where he had smeared it below his eyes to prevent snow blindness. A hundred yards away, separated by a few feet, lay the two Comanches, their bodies covered with scores of long, jagged knife wounds.

It was easy to read what had happened. Here on the frozen banks of the South Canadian River, Na-shay-nee had carried out his orders. The hostile tribes had not been warned. General Custer had been able to carry out his attack on Black Kettle at the Washita. Over a month later, on Christmas Day, Major Evans surprised and successfully attacked Arrow Points' Cheyenne winter camp. Although it would not fully close until far into the next summer, the army's campaign was a success.

As the Indian war moved farther west, so did the army and the trailers. Records indicate the army used trailers as late as 1876, but after that, those unique and heroic men have been lost to history.

Here on the frozen banks of the South Canadian River, Na-shay-nee had carried out his orders. The hostile tribes had not been warned.

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Bill Anderson's Days

By CRIS RICHARDSON

William T. Anderson—"Bloody Bill"—is best known as one of Confederate guerrilla leader William Clarke Quantrill's fiercest lieutenants. Anderson was with Quantrill when their band sacked Lawrence, Kansas, on August 21, 1863, and some historians believe that a terrible event a week earlier set him on his bloody path: the collapse of a Kansas City military prison killed his sister, Josephine, and left another sister, Mary, badly disfigured. Union officials had detained them and many other suspected partisan sympathizers, hoping to end Civil War guerrilla attacks. But Bloody Bill's story may have begun a year earlier with events which the war has overshadowed.

In 1857, Bill's parents, William C. and Martha Anderson, moved to the Bluff Creek crossing of the Santa Fe Trail, just twelve miles east of Council Grove, Kansas. The Andersons, their two sons, and three daughters became a part of Agnes City Township.

On June 28, 1860, Constable Elisha Goddard took the federal census. William C. Anderson was a forty-two-year-old farmer born in Kentucky. Martha was thirty-six years old and also a Kentucky native. Their oldest son, Bill, was twenty-one and had been born in Kentucky (not Missouri as many believe) in 1838 or 1839. Bill's brother, James M. "Jim," was seventeen years old and had been born in Iowa. His sisters, Mary E., fourteen; Josephine, eleven; and Martha J. "Jennie," eight, all had been born in Missouri. Charles Anderson, one year old at the time of the census, was born after the Andersons arrived in Kansas.

Settlements along the Santa Fe Trail sprang up at every creek and river crossing. Frontier families along the trail were all acquainted with one another and often formed friendships. One such acquaintance, Matt Thomson, whose father was an Overland Mail Company agent, lived at the Elm Creek Mail Station from March 1, 1859, to early 1862. He remembered that "Bill's first trip, and we believe his last, across the plains was with Parker's mule train, just before the Civil War. On this trip Bill became an expert at pistol practice, [and] affected broad-brimmed hats."

One of the Andersons' closest neighbors was Arthur Inghram Baker. Baker had founded the Agnes City Township and served as its judge. He also published the *Council Grove Press* and in June 1861 referred to William C. Anderson as his "esteemed friend . . ., whose pleasant family knows how to entertain their friends."

Baker's life was one of contradictions. In 1857 he owned slaves, yet ran for the first Kansas legislature as a Free State candidate.

He suffered many hardships in 1861. His wife, Susan, died that spring. Later his newspaper went bankrupt, and in November, Baker told some of his friends he intended to leave Kansas for a few months.

According to John Maloy, an acquaintance of Baker's, Baker left in the company of "a few of his relatives and friends." He traveled with John Ratcliffe, Bill Anderson, Bert (Lee) Griffin (a cousin of the Andersons), and Richard

Before they reached their destination, they ran into a detachment of cavalry and a fight ensued.

Illustrations by AL MARTIN NAPOLETANO

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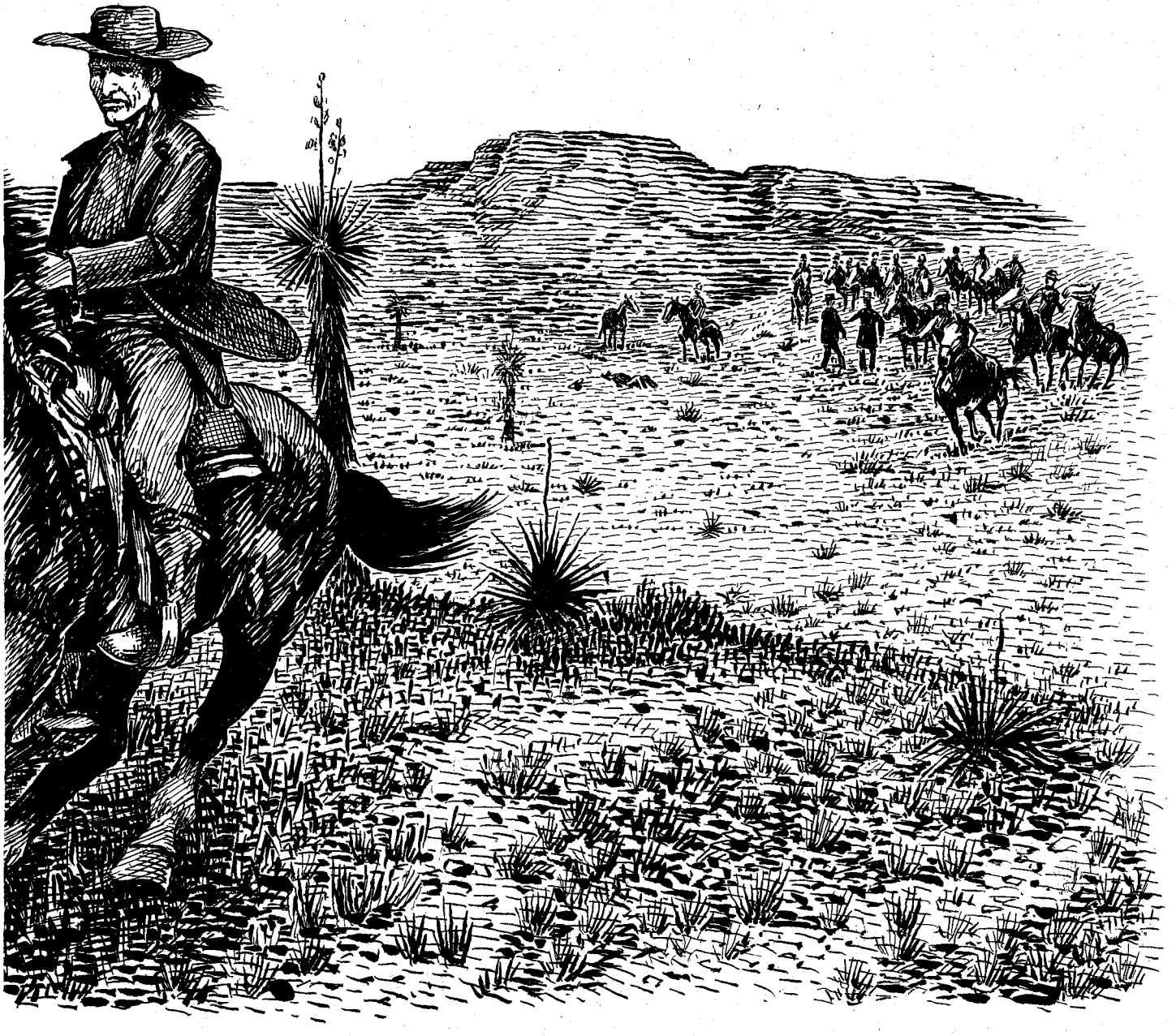
on the Santa Fe Trail

Pinson, a furloughed Confederate soldier from General Sterling Price's army. Even though he was founder and captain of the Unionist volunteer militia in Council Grove, Baker and his friends headed for Pierce's army at Osceola, Missouri.

Before they reached their destination, they ran into a detachment of the Sixth Kansas Cavalry under Lieutenant Colonel L.R. Jewell. A fight ensued, and Ratcliffe was killed and Baker captured. Anderson, Griffin, and Pinson escaped and went to Pinson's army company. Anderson and Griffin stayed only a few days before returning to Bill's home.

Jewell took Baker to Fort Scott, Kansas, where authorities held him for four months awaiting court martial. The military court convened March 24, 1862, and acquitted Baker. He returned to his home on Rock Creek in late March or early April.

Meanwhile, Bill Anderson had returned to a quiet life. He attended neighborhood debates and spelling schools held for area youth. He took part in a debate in January 1862, at C.W. "Charley" Withington's at the crossing of 142 Mile Creek. Matt Thomson acted as secretary and later wrote, "Bill Anderson . . . was a harmless youth, to all appearances at least. Mild in manner and timid of speech, as one might have observed him that evening, Bill was a study. Tall and straight as an



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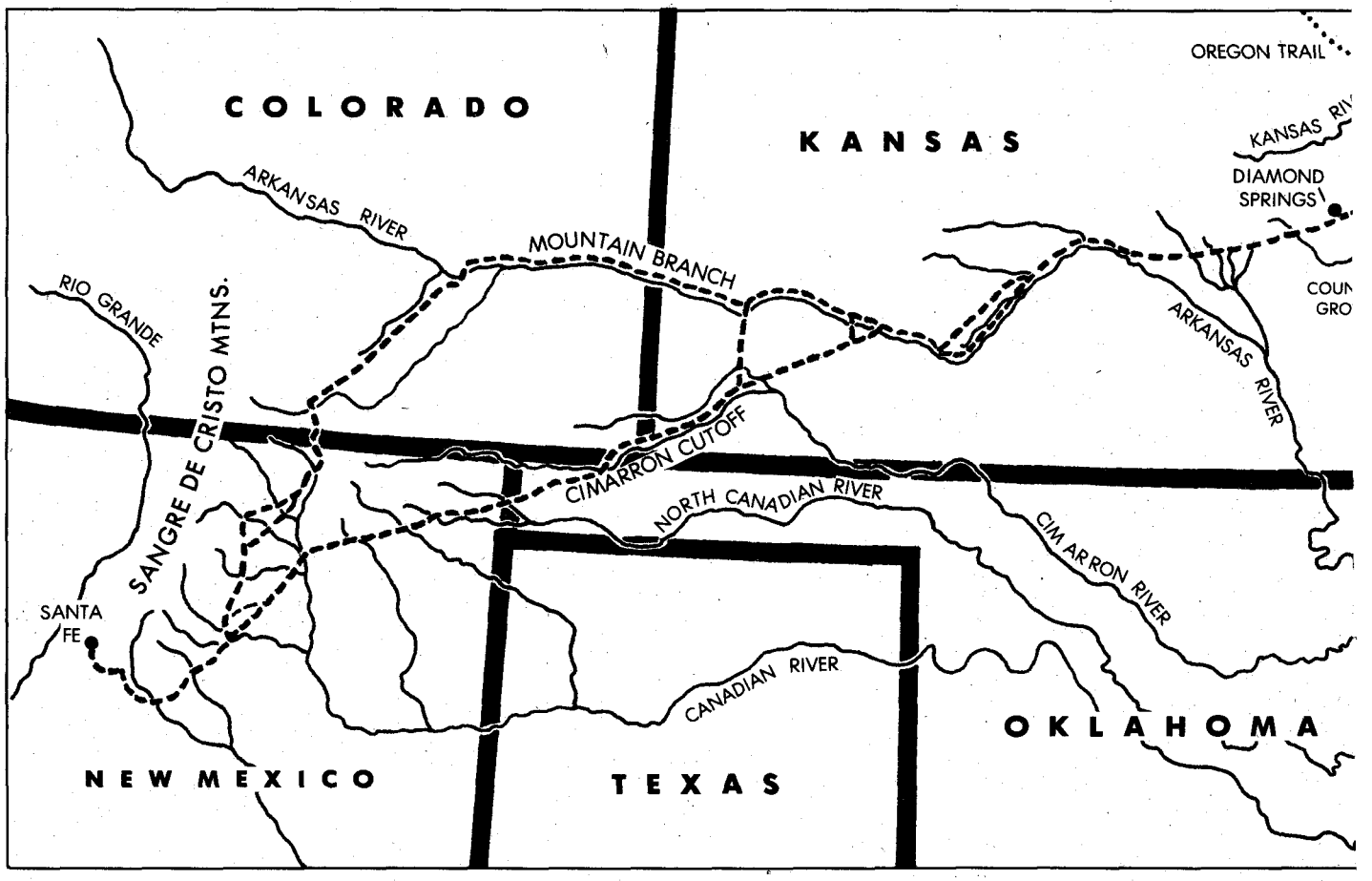

As Anderson started up the stairs, Constable Goddard unsuccessfully tried to stop him. Anderson was "avowing his intention of killing [Baker]." Baker came out of his room at the top of the stairs and, seeing Anderson halfway up the stairs, shot him through the breast, killing him instantly.

Indian, with his light blue eyes and jet black hair long and flowing, one can hardly realize that within one short year, with bridle reins in his teeth and revolver in either hand, Bill Anderson could be transformed into a living exemplification of Sherman's truism that 'war is hell.'"

Once A.I. Baker returned home, he began to put his life back together. His property was still intact at Agnes City, and on April 9, 1862, he wrote a letter to *The Emporia News*, declaring his innocence and stating that "all I love best on earth is here."

Baker's wife had been dead nearly a year, and he attempted to fill the void in his life by dating the oldest Anderson daughter, Mary, now sixteen. Baker made such frequent visits to the Anderson home that, according to neighbor Lawrence D. Bailey, William C. Anderson "chose to consider that . . . [Baker] was engaged to marry his daughter."

However, Baker's previous inconsistencies now appeared in his personal life, with tragic consequences. Rather than announcing his engagement to Mary Anderson, Baker became engaged to seventeen-year-old Annis Segur, the daughter of Ira Segur, a recent settler to the area. Baker announced the engagement about May 1; soon after, someone stole a team of horses from Ira Segur. The suspect was Lee Griffin.

Baker and a group of his neighbors began a search for the missing animals. Baker and his party were west of Council Grove when they met Griffin, who had traded the horses on the Santa Fe Trail.

No one knows why Judge Baker did not arrest Griffin then. Perhaps it was because of their past associations, or maybe he was more interested in the return of the horses. Regardless, Baker continued west until he found the horses about eighty miles from Council Grove. Search party member Jacob Van Natta and another neighbor from the Elm Creek area, said they found one of Segur's horses on a ranch and "the other in the hands of a Mexican on the road." *The Emporia News* reported that both horses were "in the possession of a Mexican, who was following a wagon train from which he was discharged near Kansas City." The posses returned the Mexican and the horses to Rock Creek and Constable Goddard took the man into custody.

Bailey said that on Sunday, May 11, 1862, when news of the arrest warrant for Griffin reached William C. Anderson, he and his oldest son, Bill, "saddled up their horses, rode up to Baker's and told him if he did not have the warrant withdrawn by 10:00 a.m. the next day, they would surely kill him and rode away."

Another account maintains that old man Anderson had a loaded, double-barreled shotgun which he had borrowed from Bailey. He threatened to kill

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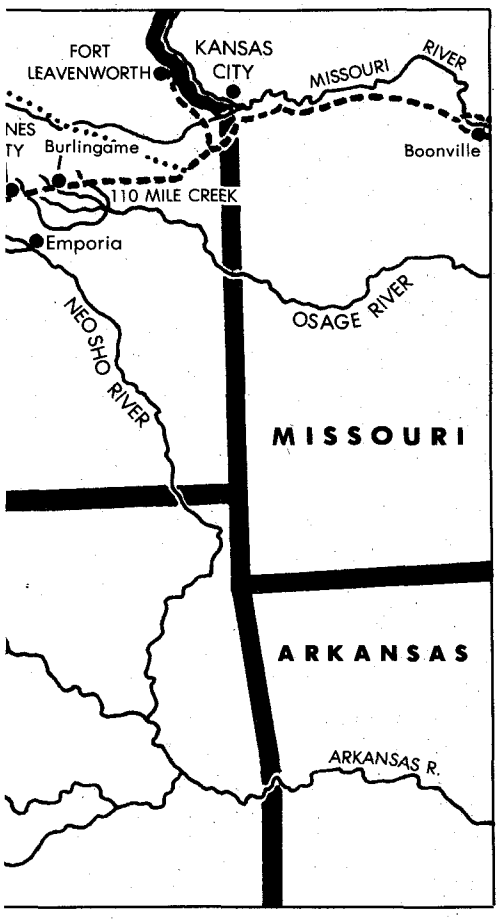


sisted on us going back to Baker's with him, which we did."

The group reached Baker's house about noon and Anderson went inside searching for Baker. As Anderson started up the stairs, Constable Goddard unsuccessfully tried to stop him. Anderson was, according to Van Natta, "avowing his intention of killing [Baker]." Baker came out of his room at the top of the stairs and, seeing Anderson halfway up the stairs, shot him through the breast, killing him instantly.

Baker family history claimed that Anderson came in shooting, but no other witnesses mention Anderson's firing any shots. A coroner's inquest, held that afternoon with Van Natta on the jury, acquitted Baker on grounds of self-defense. Van Natta noted that, although Bill Anderson had been gone, he returned in time to attend the trial.

The Emporia News later reported, "During the afternoon of Monday, young Anderson came to Baker's and delivered himself up to the authorities to save himself from the hands of a mob which he said was being raised on Elm and Forty-two [sic] Creeks to hang him [evidently for horse stealing]. Fearing, however, that the authorities would not be able to protect him, he gave bail, mounted a fleet horse and started for Missouri."

Bill stopped near O.F. O'Dell's on 142 Mile Creek for his father's funeral. O'Dell claimed, "After the burial, [Anderson] stood his examination before Squire Tenager, at 142 Creek. He employed an attorney by the name of Rug[g]les, of Emporia, Kansas. The complaint or warrant being defective, Bill was set at liberty, he mounted his horse [Silver Heels] and rode away before other papers could be issued."

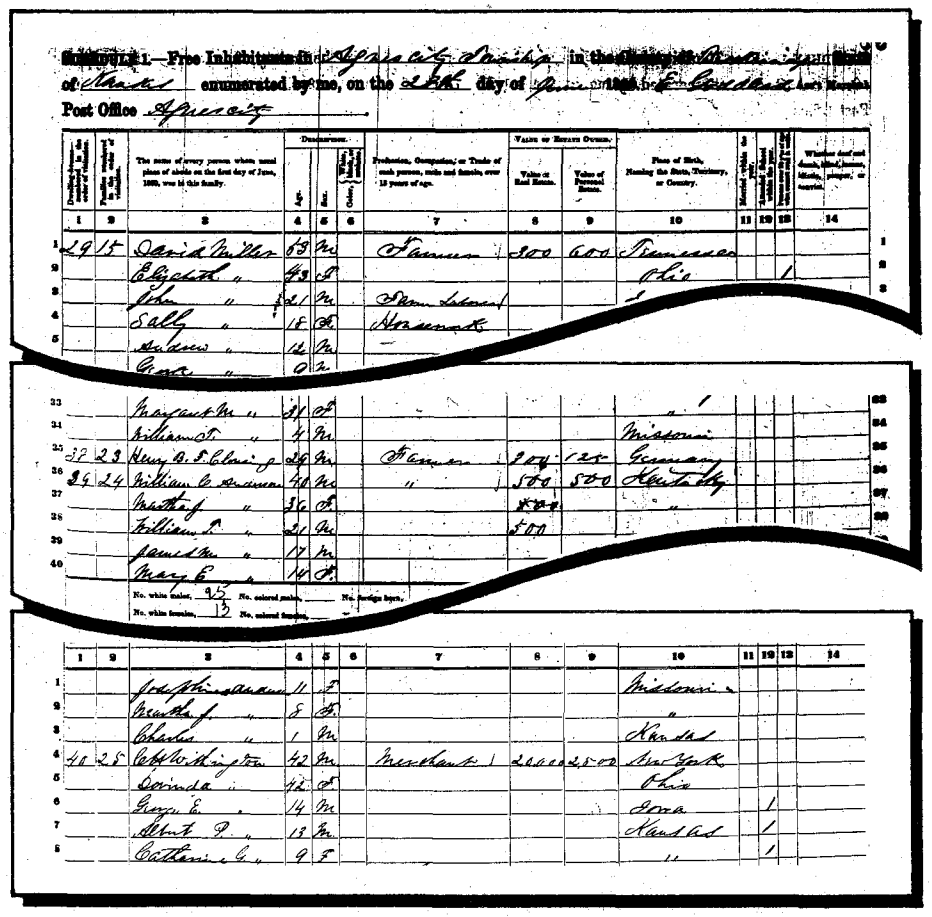
After the examination, Charley Withington remarked that "there had been a time in Kansas when there would have been no chance for lawyers to pick flaws in papers;. . . such crimes as Anderson's would have been punished on the spot." When Anderson overheard the remark, he grabbed an ax handle and dealt the old man a fearful blow, knocking him down. As he mounted his horse, Anderson "swore vengeance on Baker and others."

The Emporia News reported, "On Monday night, a crowd of armed men numbering thirty or forty had collected at Baker's, full of vengeance for all horse Baker for what he had said and done, but, according to the Emporia newspaper, Bill intervened and prevented his father from shooting the judge. The Andersons left.

The Emporia News stated that "Anderson and his son. . . were connected by rumor with the horse thieves, and, that Baker, among others has spoken of Anderson in that connection. It was for that and perhaps one or two other reasons which it is not necessary to make public, [that] Anderson sought his life." Lawrence Bailey claimed the "one or two other reasons" were Anderson's assumption that Baker was engaged to his daughter and a rumor that Mary was pregnant.

That evening William C. Anderson went to Emporia, where he became quite drunk. Early the next morning, Monday, May 12, he went by Van Natta's home and there was an altercation. Van Natta claimed Anderson was still drunk.

Later that morning, Van Natta was traveling east from Baker's on the Santa Fe Trail with Ira and Annis Segur and some others. They met Anderson with his shotgun loaded and cocked. Van Natta said, "Anderson was very abusive and threatened us. . . [and] in-



Kansas State Historical Society

Portions of the 1860 Federal Census, listing the Anderson family members.

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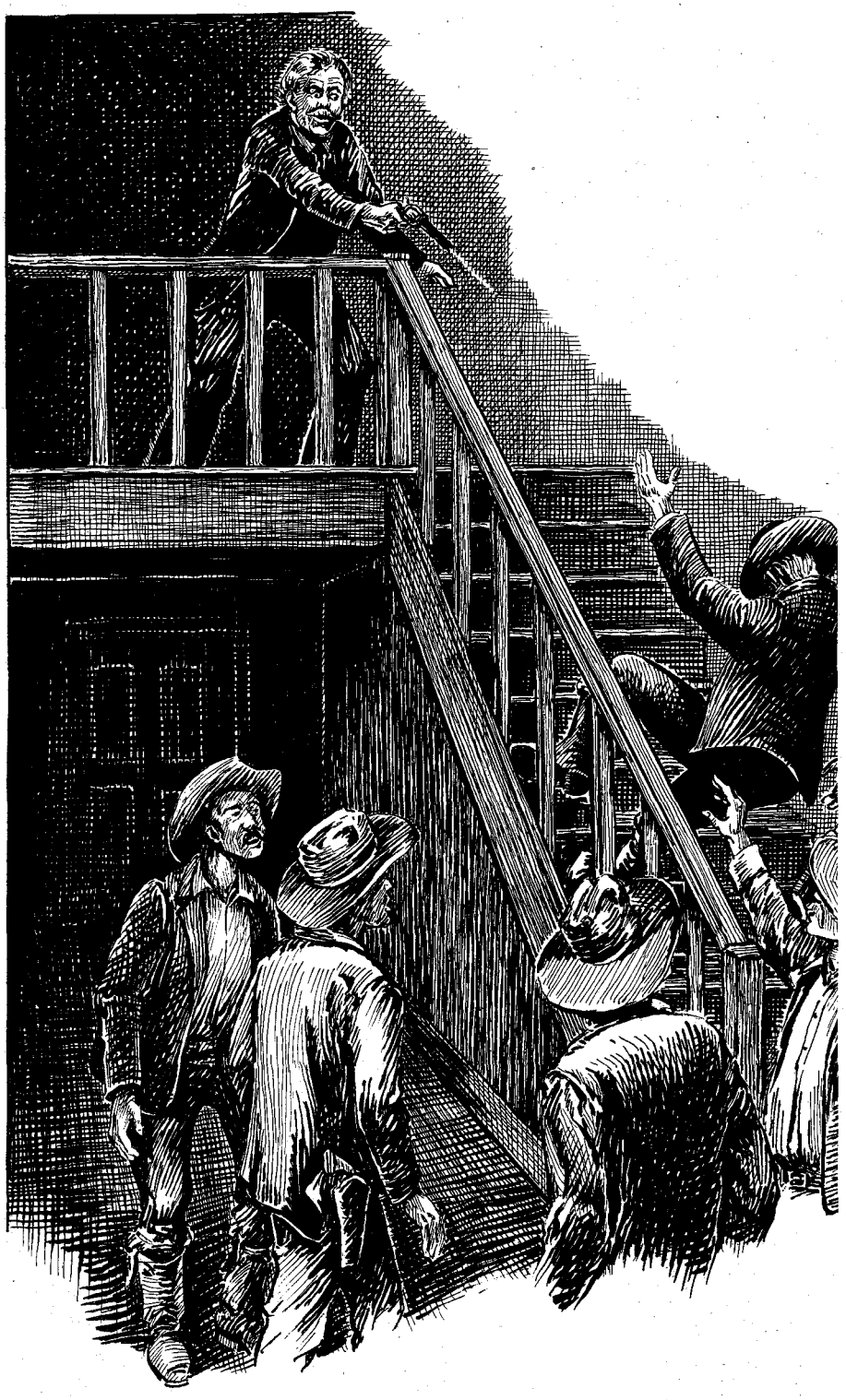

thieves. Soon after dark, the Mexican was suddenly seized and taken from the room [on the first floor of Baker's house] and the custody of the constable to the woods nearby, and hung from the nearest tree until dead." That may have been the mob Bill Anderson had fled to avoid.

On Wednesday, May 14, just two days after William Anderson's death and burial, A.I. Baker married Annis Segur. Bailey commented, "The wedding was not postponed on account of the weather, nor. . . on account of the funeral."

Baker's life settled into a routine which included running his farm and store at Agnes City. His store did well enough supplying travelers on the Santa Fe Trail that Baker took in his young brother-in-law, George Segur, to live with them and act as a clerk and general helper.

In early June, just three weeks after William Anderson's death and Baker's wedding, a stranger with a team arrived and moved the Anderson family away from the neighborhood. Some may have hoped that was the end of the conflict between Baker and the Andersons, but most remembered Bill Anderson's vow of vengeance. Now there was talk that Bill and Jim Anderson and Lee Griffin had joined Quantrill's raiders.

On Wednesday, July 2, 1862, Bill, Jim, Griffin, a man named Reed, and a stranger came to Rock Creek. Maloy claimed that the stranger was a resident of Morris County, who still lived there until the 1870s, when the Baker family began making inquiries into A.I. Baker's death. Shortly after that the man disappeared from the area. However, Charley Withington claimed he recognized the stranger as William Clarke Quantrill, having known him a few years before in Missouri.

THE ANDERSONS were disappointed to find Baker not at home. Baker and his wife returned from Emporia late Thursday, July 3. *The Emporia News* reported that the ensuing incident took place about eight or nine o'clock that evening. O.F. O'Dell claimed that Jim Anderson later described to him how, "They went to Baker's soon after dark and secreted themselves near the grocery."

The raiders sent the stranger to Baker's house with the story that he had a wagon train down the road and needed some supplies. That was an everyday occurrence that the Anderson party knew would not arouse suspicion. Baker buckled on a pair of revolvers and took his young brother-in-law with him.

One of the items the stranger requested was whiskey, which Baker kept in the cellar of the store. Baker and Segur were descending through the cellar door when the four other men rushed them, firing their revolvers. Bailey claimed that the Andersons rushed into the store and "with a triumphant yell told Baker that they 'got him at last and were going to burn him up alive in his hole.'" Both Baker and Segur were wounded. "Baker reeled upon the steps, drew his revolver, and fired into the crowd, hitting Jim Anderson in the thigh but not seriously wounding him." O'Dell said when the Andersons visited him later, Jim's leg was still "bleeding somewhat."

The Andersons and their cohorts closed the cellar door with their victims trapped beneath, and, said O'Dell, "rolled a barrel of sugar up to the door and set fire to the building." Sixteen-

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year-old Segur managed to escape through the back window of the cellar and eventually made his way down to the creek to hide. The boy had been mortally wounded, though, and died less than twenty-four hours later after telling what happened at the store. Segur said that when Baker found the store was on fire and he was unable to escape, he shot himself through the head to avoid the horrible fate of burning alive. *The Emporia News* reported that "Baker's head, arms, and legs were literally burned to ashes."

The Emporia News said that, after making sure that Baker would not escape, the raiders then fired the remainder of his property "consisting of a large stone dwelling, several outhouses, and a carriage." Baker's wife and her family left the house and hid in the woods along the creek. Baker family history claimed the women had been preparing apple pies for the Council Grove Fourth of July celebration and had left them unbaked on the kitchen table when the raiders struck. As the women were hiding, they said they could smell the pies baking in the flames that consumed the house.

The Emporia News questioned why Baker had not been on the lookout for the Andersons, "For he knew the Andersons had sworn vengeance." Some of Baker's friends said later that he "did not believe the boys would harm him," in spite of the fact that he had killed their father and humiliated, if not dishonored, their sister.

Baker, however, apparently did take Anderson's threats seriously. In July 1972, William Michael Shimeall took part in an archaeological excavation of Baker's home. He discovered gun parts and unspent shells alongside each of the three doors and by several of the windows. He concluded that Baker had been prepared for the raiders to attack his home. If that was the case, it supports Maloy's assertion that Baker believed "he would sooner or later die at the hands of Bill Anderson or his party."

The Andersons and their raiders headed back for Missouri with two of Baker's horses. All along their route they stole horses and other supplies and threatened the lives of those in their path. Their first stop was at a man named Dutch Henry's, where they stole clothes and money.

They stopped next at Charley Withington's general store. *The Emporia News* reported, "Jim Anderson seemed determined upon killing our friend Withington, but his life was spared through the intercession of Quantrell [sic] and Bill Anderson. Here they stole three horses belonging to the Kansas City and Santa Fe Mail Company, and a rifle belonging to Mr. Withington."

The newspaper also said, "Quantrell [sic] is reported to have said something in this wise: 'Gentlemen, we now have possession of Kansas, and if I had time I would issue a proclamation. But I will only say this much: Let it be remembered that Quantrell [sic] disturbs no man who minds his own business.'"

According to Matt Thomson, "The Andersons then called on their old friend, Henry Jacobi, at the mail station at the crossing of Elm Creek. They shot the door full of bullet holes and would have killed him. . . but a wagon train camped nearby saved his life."

The Emporia News reported that the Anderson gang stole two more horses at another station and avoided the town of Burlingame, but at 110 Mile Creek they forced a Mr. Harris to make them breakfast, "threatening to blow his brains out if he did not do so." The newspaper surmised the gang was in Missouri by noon on the Fourth of July.

The men had traveled over 120 miles for revenge, made their return to Missouri in less than sixteen hours, and even stopped for breakfast. Local papers were incensed that the raiders could do all that and yet no pursuit had been mounted.

While all accounts of the deaths of William C. Anderson and Baker tie them to the horse stealing incident and Anderson's assumption that Baker had wronged his daughter, Bill Anderson himself later claimed his father's death was war-related. In a letter to newspapers at Lexington, Missouri, July 7, 1864, he wrote, "I lived in Kansas when this war commenced. Because I would not fight the people of Missouri, my native state, the Yankees sought my life, but failed to get me. Revenged themselves by murdering my father, destroying all my property." Anderson perhaps needed a reason to justify his blood-thirsty actions during the second half of the war.

The Baker family also hoped to tie Baker's death to the war. According to Baker's probate file, his heirs tried to have his death designated a casualty of war to make themselves eligible for a reimbursement "of losses of Citizens of the State of Kansas by the invasion of bands of guerrillas and marauders during the years 1861, 1862, 1863, 1864, and 1865." In 1887 the state legislature certified the losses to Baker's estate at $8,078 and approved $2,500 for his heirs.

The raid on A.I. Baker's store at Agnes City was not Bill Anderson's last raid on the old Santa Fe Trail. On May 3, 1863, an Elm Creek farmer, making a night trip on the trail, encountered several groups of men along the way. He recognized one of them as Bill Anderson.

Baker and Segur were descending through the cellar door when the four other men rushed them, firing their revolvers. Bailey claimed that the Andersons rushed into the store and "with a triumphant yell told Baker that they 'got him at last and were going to burn him up alive in his hole.'"

During the next three days, the men murdered Augustus Howells at Diamond Springs, wounded his wife, and stole sixty dollars from their house, then traveled down the trail to Blackjack, where they robbed a mail company stage of the mail and fourteen horses and its passengers of $1,300. United States Marshal James L. McDowell formed a posse to track the raiders and captured ten of them on May 6. Bill Anderson was not among them.

That may have been Bill Anderson's last raid on the Santa Fe Trail, but it was certainly not his last raid on Kansas. Just a little more than three months later Quantrill and Anderson led the sacking of Lawrence. Anderson became infamous for his massacre of Union troops at a Centralia, Missouri, train station September 27, 1864. Later that day Anderson and his guerrillas routed three companies of federal soldiers that arrived at Centralia. Anderson himself died in a gun battle within a month.

Bill Anderson began his days on the Santa Fe Trail no different than many other young men who grew up along it. But misunderstandings, accusations, and revenge—not the Civil War itself—may have created one of the most feared and hated bushwhackers of that conflict.

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Night Prowlers of Old San Francisco

By WILLIAM B. SECREST

"Attention is called," noted a report of California's state prison directors in 1858, "to the fact that there are eighty-two convicts under the age of twenty-one years. As at present situated, it is believed that nine out of ten of these youths will leave the prison worse than when they entered—a majority of them utterly ruined."

The directors knew whereof they spoke. Prison was then, and undoubtedly still is, a veritable "college of crime." Writing of his 1862 San Quentin prison term, Charles Mortimer recalled, "What I did not already know of criminal life, I could easily learn here. There were ten or fifteen of the most notorious highwaymen on the coast, all in consultation."

In the early 1850s a favorite pastime of street gangs of young hoodlums was starting fires in rooming houses, then looting rooms as the occupants fled. All large cities spawned these young criminals—orphans or the products of brutal or broken homes—and San Francisco was no exception. They burgled warehouses, stole goods and cash boxes from stores, and were often expert pickpockets before they were ten years old. Charles Coffee, Bobby Durkin, Redheaded Burns, and Mickey Grant were all teenaged thugs and sneak-thieves of the Bay City's gold rush days and beyond. Even in crime there were pioneers. . . .

William Keefe was typical of these young thieves. The San Francisco *Spirit of the Times* wrote him up in 1857: "When at large he lurks about hotels, boarding houses, offices, private residences and public resorts generally, watching the opportunity to steal whatever he can lay his hands upon. He manages to dress well most of the time,

California State Library

San Francisco, shown here in the 1880s, was a sprawling burglar's paradise of homes, shops, hotels, and business institutions of all kinds.

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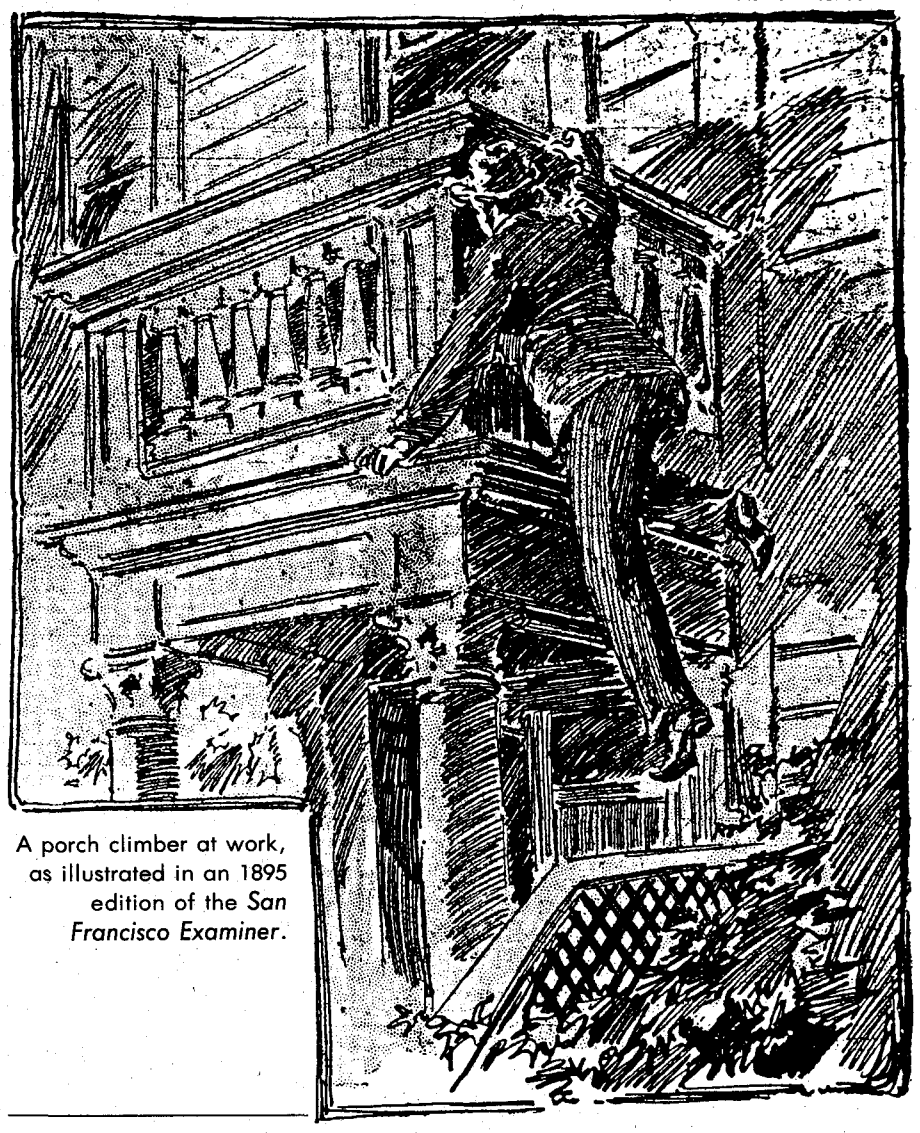
and is altogether a very sleek and adroit thief."

Keefe served several terms in the county jail and on the chain gang for petty crimes, and in 1857 he was sentenced to six months on a theft charge. Finally he went to San Quentin for eight years in late 1858 on a grand larceny rap. Already incorrigible, thrown in the midst of the worst men on earth Keefe was almost guaranteed to come out of prison worse than when he went in.

According to "Lightning" Davis, a noted burglar, toughs of Keefe's stripe often looked forward to prison. "A young man who has been only a common house-breaker or 'porch-climber' considers himself lucky to get a few years in State Prison. There he has a chance to get a thorough education. He picks up points and ideas in regard to burglarizing which he would never hear of outside prison walls."

The Keefes of San Francisco's underworld would evolve into one of the four types of burglars as classified by "Lightning" Davis. "Prowlers," or those who committed night robberies, were the first. Second were the daylight thieves who robbed homes and stores, and third were the hotel robbers. A fourth category was labeled "porch-climbers."

Author's Collection



A porch climber at work, as illustrated in an 1895 edition of the *San Francisco Examiner*.

"A young man who has been only a common house-breaker or 'porch-climber' considers himself lucky to get a few years in State Prison. There he has a chance to get a thorough education. He picks up points and ideas in regard to burglarizing which he would never hear of outside prison walls."

A NIGHT PROWLER was the most nervy of the burglars. He never knew what dangers might await him in a darkened house—a sleeping dog or a shotgun with a quick man at the trigger. He also risked the longer sentence when he was caught—up to fifteen years. There were two types of night burglars—those who had a system and those who acted at random, with little planning. The systematic burglar watched banks and public places where money was drawn. He picked a victim, followed him home, then studied his habits for a few days. When convinced his man had money, he broke into the house around midnight, left his shoes by his exit, and sought his loot.

The daytime burglar had much less nerve and was often of a cowardly bent. He was afraid to take chances and risked merely a five-year sentence, or less.

The hotel burglar was completely different. He had to be adroit, a good talker, and a snappy dresser. He had to associate with businessmen and mingle socially with the hotel guests. He watched the men in the barroom, picked out the big spenders, and located their rooms. When an opportunity presented itself, he had to be quick and seize the chance to pilfer a room at a moment's notice, then disappear.

Porch-climbers were usually young men, reckless and irresponsible hoodlums who were often former sailors. They could climb like a monkey, were as stealthy as a cat, and not afraid to go through a house in broad daylight. They would break into trunks and bureaus even while servants were working in an adjoining room.

"Keep your upstairs windows locked while you are at your meals in the dining room," warned Police Captain Isaiah Lees, chief of the San Francisco detective force from 1853 to 1897. "Ordinary precautions are taken by nearly everyone against the plain burglar, but they pay little attention to the 'porch-climber.' They are most active between six and eight o'clock in the evening when most families are having dinner in a downstairs dining room. An upstairs window that can be reached by climbing a porch or drain spout is the usual means of entry. They do not search for loot, but simply scoop up anything of value. They are fast workers and when surprised at their work, think nothing of jumping from a second- or even third-story window to make their escape."

Generally, this type of burglar would fight only when cornered, wielding a long, keen-bladed knife that would do its bloody work quickly and quietly. More often than not, however, it was the

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Captain of the San Francisco police detectives for over forty years, Isaiah W. Lees captured stage and bank robbers, con men, and notorious forgers, but burglars were a constant problem.

"With pistol in one hand and the other under the pillow, you very slowly and gently push your hand under for the money. Many a time with my hand under the pillow I have quietly raised it and the sleeper's head several inches without waking him, and have thus secured the money."

prowler who found himself in a tight place.

Burglar Jack Black was just a boy when he was working with a man he identified only as "Smiler." They had spotted a wealthy couple leaving the theater and followed them home. After watching their house for several days, Black and Smiler concluded the couple were the only residents and there were enough diamonds in the place to make a worthwhile haul. That night they lay in the yard for nearly six hours before Smiler decided it was time. Telling Black to stay outside in case he needed any help, Smiler tested all the windows looking for one that was unlocked. Finally he signalled. As he slowly and silently inched the window open, Jack watched from the cover of a bush.

"Then came a blinding flash of fire and the deadly roar of a rifle," Black would later write. "Broken glass, falling, tinkled, and a woman shrieked hysterically.

"My eyes had never left Smiler. He staggered back from the window clutching his throat with both hands; his legs trembled like a spent fighter's, as he sank slowly to his knees. . . ."

Young Black tried to help his partner, but Smiler was dead. Later in court he learned the woman had been home alone that night when she spotted the burglar at the window. Grabbing her husband's rifle, she had fired through the window, screamed, and fainted. It was the kind of risk a burglar constantly lived with.

"The hardest man we ever had to catch was Frank Pruitt," reported Captain Lees, "who gave the police a great deal of trouble about ten years ago [1885]. Reports of houses being robbed were coming in almost daily, and several of the people who lost their jewelry claimed to have seen the robber. One went so far as to say he was a very light-complexioned man, but when he was caught he proved to be colored and about as black as he could be. He had nearly a peck measure full of plunder that he was trying to pawn. Pruitt was perhaps the most skillful of his class that ever worked in San Francisco. He would sometimes start in at a corner house, and before he would quit for the night he would go through every one in the block."

ENTRANCE to a house to be burgled was usually quite simple to the professional thief. He ordinarily could find an unlocked window; if not, a caseknife slipped between the sashes could unlock a cheap catch nine times out of ten. If that didn't work, he pasted a sheet of heavy paper to the window with tar, soft soap, or some other sticky substance. When that was all patted into place, pressure or a sharp tap would shatter the glass, which the paper kept from clattering to the floor.

In time most burglars acquired a set of skeleton keys which would open most common doors. They could be purchased from pawn shops and shady dealers, but smart burglars made their own so they couldn't be traced. Nippers were also a common tool. They were inserted into the lock in the hope that the key was in the lock on the other side. The serrated tip of the nippers would fit over the end of the key, allowing the burglar to turn the key and open the door.

Lightning Davis once described the dangerous business of prowling about a darkened house in the middle of the night:

> The burglar in his stocking feet, with the gas burning low, makes for the sleeping room where the man to be robbed is supposed to have his money. Many men sleep with their trousers on the chair. If an expert, the burglar does not go through the pockets in the sleeping room, because the clothes, particularly a white starched shirt, will rustle and make

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a good deal of noise at night. He carries the chair and clothes on it into the hall to search for money. In private houses bedroom doors are usually left open. If he fails to find the money, the burglar goes back to search the bureau. . . . If no money is found there, as a last resort it must be found under the pillow. There is nothing else to do.

But one would be surprised to know how easily this may be accomplished. You stand by the bed watching your man. With pistol in one hand and the other under the pillow, you very slowly and gently push your hand for the money. Many a time with my hand under the pillow I have quietly raised it and the sleeper's head several inches without waking him, and have thus secured the money.

In nine cases out of ten if he does awake he will feign sleeping, especially if he sees a pistol pointed at his head. He will be so glad to escape with his life that he will make no immediate trouble.

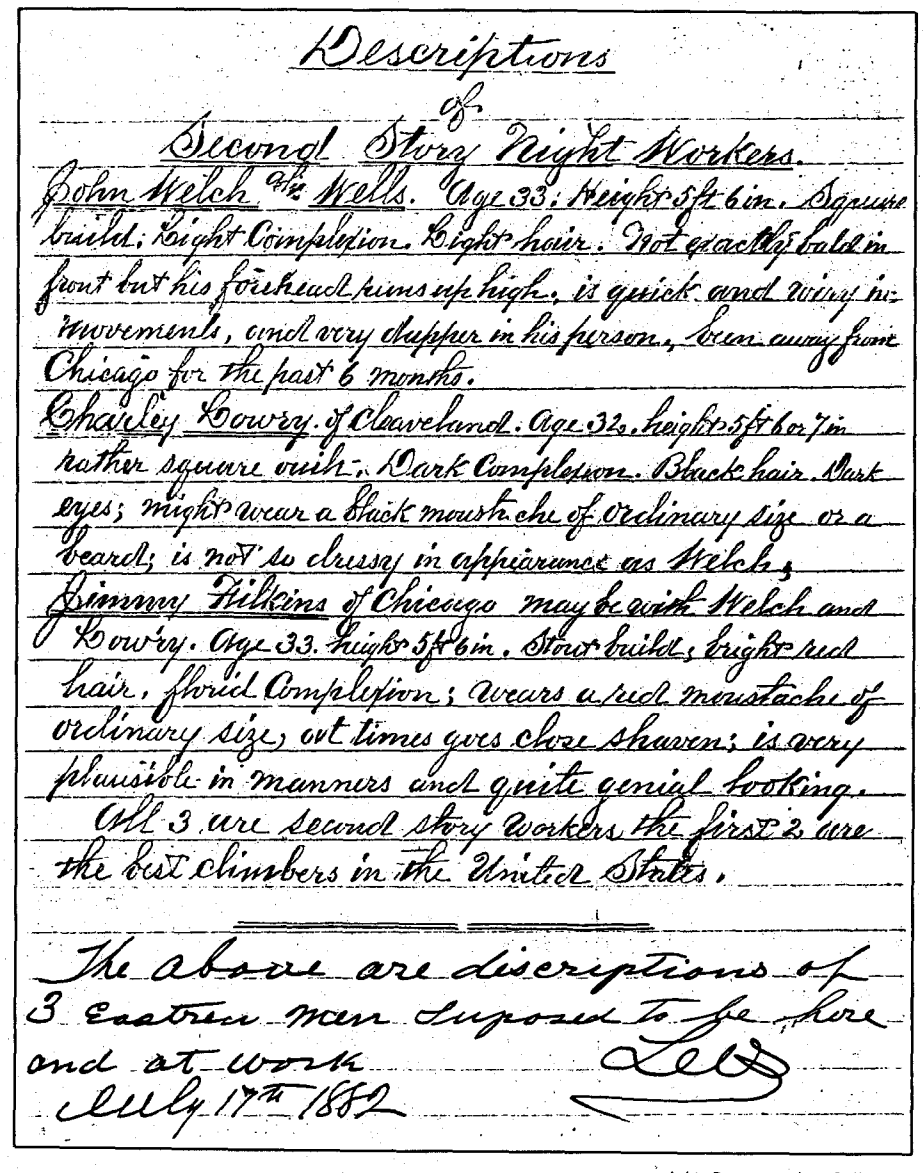
One of the more colorful and daring of the San Francisco burglars was Tommy Wallace. The son of murderer Henry Wallace whom Captain Lees had convicted in 1863, young Wallace was first picked up in October 1870 for petty larceny and served various jail terms in later years. In 1872 he went to state prison for a three-year term, but upon release he gained wide renown after participating in the theft of the painting "Elaine" from the Snow and May Gallery in 1875. He turned state's evidence on his cohorts in that job and got off, but he was always in trouble.

He was an exceptional example of the quick-witted burglar ready for any emergency. Detective John Coffey knew Wallace well and told the following story:

> Wallace was an extraordinary man. . . audacious, quick, cool, bloodthirsty, cunning and sharp, he was withal unassuming and even gentlemanly in his manner. A burly policeman tried one night to arrest him out on McAllister street, but running in front of the officer for some distance and keeping only a few feet ahead, he deliberately fell and let the man in blue tumble over him. In a flash Wallace was on his feet again and rushing into the house of Mr. Storey, the front entrance of which happened to be open, he slammed the door behind him and pathetically appealed to the inmates to save him "from those hoodlums." Presently the policeman came thundering at the door, and a new Derby hat was given Wallace—his own having been lost in the scramble—and he was safely conducted to the rear of the house and directed to the easiest way of escape.

At two in the morning on December 11, 1877, Wallace was robbing a home on Post Street when he was suddenly confronted by the occupants, Mr. and Mrs. Jacob Davis. Coolly, the burglar told the couple not to make any noise—that he was a detective looking for burglars and that their house was surrounded by policemen. Mrs. Davis was still frightened and when she screamed, Wallace shoved them into a room and locked the door, then shinnied down a drain pipe to the ground. A servant girl began screaming through a window and Wallace shot her in the arm and fled with several associates. He and his pals, however, were soon picked up.

While being taken to court on February 11, 1878, on that and a number of other charges, Wallace managed to slip away from a negligent deputy sheriff. Climbing over a balcony and sliding down a post, the thief made a quick getaway through a neighboring saloon and disappeared. It was a bad time to try to escape from San Francisco, however. A wealthy banker had recently absconded with his institution's funds and Captain Lees had sealed off the city. The police force was turning San Francisco upside down and Wallace had trouble staying out of sight, much less trying to leave the city. When the banker was finally caught, Wallace was on the first train east.



Descriptions
of
Second Story Night Workers.

John Welch alias Wells. Age 33. Height 5 ft 6 in. Square build; Light Complexion. Light hair. Not exactly bald in front but his forehead runs up high. is quick and wiry in movements, and very dapper in his person. been away from Chicago for the past 6 months.

Charley Lowry. of Cleaveland. Age 32. height 5 ft 6 or 7 in rather square built. Dark Complexion. Black hair. Dark eyes; might wear a black mouth che of ordinary size or a beard; is not so dressy in appearance as Welch.

Jimmy Filkins of Chicago may be with Welch and Lowry. Age 33. height 5 ft 6 in. Stout build, bright red hair, florid Complexion; wears a red moustache of ordinary size, out times goes close shaven; is very plausible in manners and quite genial looking.

All 3 are second story workers the first 2 are the best climbers in the United States.

The above are descriptions of 3 Eastern men supposed to be here and at work
Lees
July 17th 1882

John Boessenecker Collection

This descriptive list of three eastern burglars was given to his detectives by Captain Lees in July 1882. From the original in Edward Byram's journal.

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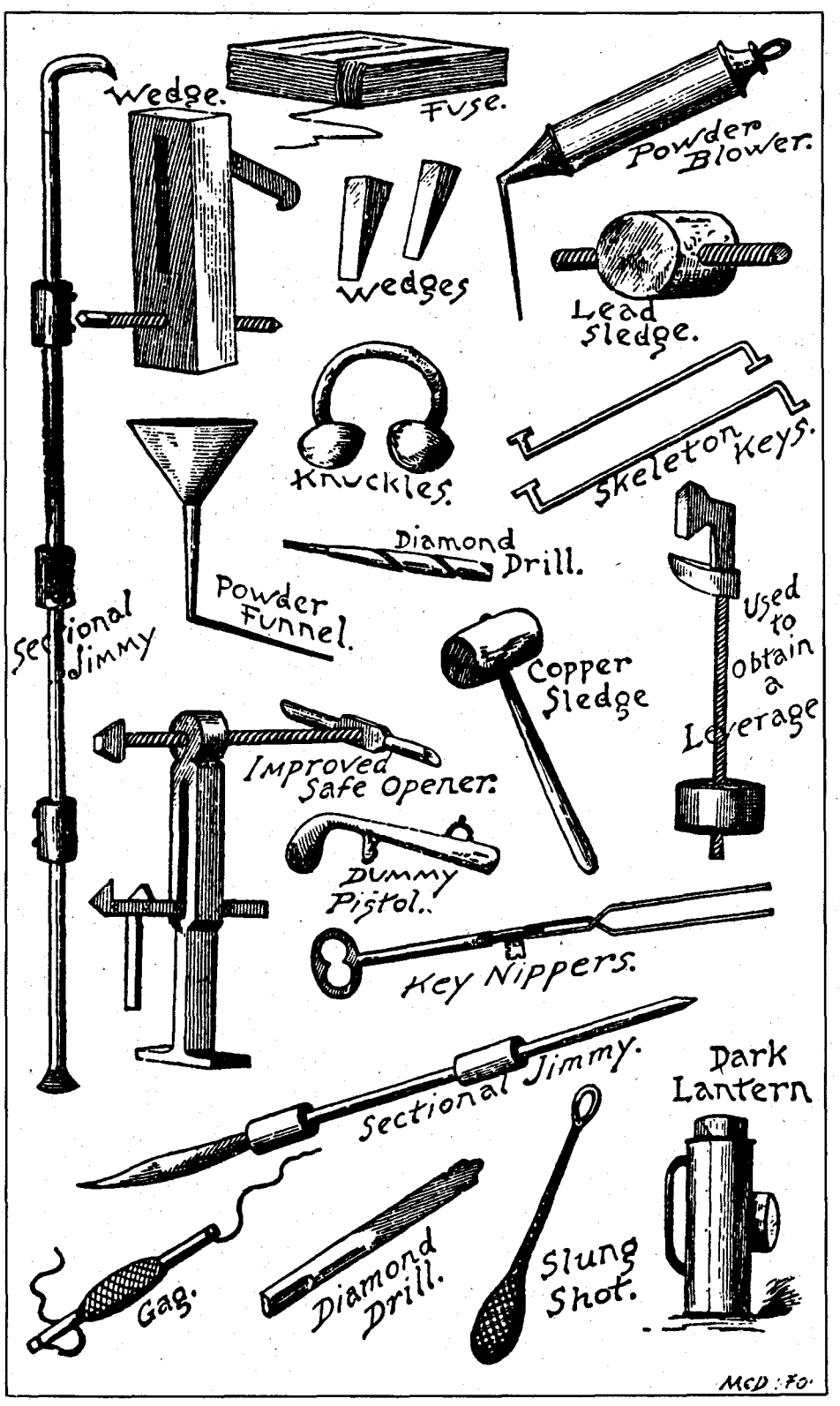
It was close to four in the morning when Wallace made his move. Gently and carefully he searched the officer next to him for the key to the handcuffs. He finally found it in Coffey's vest pocket, but when he clicked open the cuffs, Coffey woke. "What was that—what are you doing?" Coffey demanded.



Author's Collection

Sketches of nineteenth-century burglar's tools.

Traced to Evansville, Indiana, Wallace sat down in a restaurant one night and ordered dinner. That day the local chief of police had received an inquiry from San Francisco containing a description of the fugitive. To the chief's great surprise, the young man who sat down opposite him for dinner fit the description to a T. After some pleasant conversation and a good meal, the chief took Wallace to headquarters and established his identity.

Detective John Coffey was sent to escort the prisoner home, and the two were soon speeding across country on the overland train. The trip was long and wearying, all the more so since Coffey could never relax with his tricky prisoner. Completely worn out by the time his fellow detective Billy Jones joined them at Wadsworth, Nevada, Coffey looked forward to a night's rest at last.

HANDCUFFING Wallace to him, Coffey lay down in a bunk with the prisoner between him and the wall. He was soon fast asleep as the train clattered noisily toward the coast.

It was close to four in the morning when Wallace made his move. Gently and ever so carefully he searched the officer next to him for the key to the handcuffs. He finally found it in Coffey's vest pocket, but when he clicked open the cuffs, Coffey woke. "What was that—what are you doing?" Coffey demanded.

His prisoner appeared to be fast asleep, however, and Coffey again dozed off. Wallace had to act fast. Vaulting over Coffey and into the aisle, the thief headed for the door, only to find it locked. Coffey was right behind him. When Wallace charged with his head down, the lawman stepped aside and whacked him on the head with the handcuffs. Tommy finished up the trip with an aching head and was soon back in the San Francisco city jail.

Tried for the Davis affair, Wallace found himself sentenced to a fifteen-year vacation at San Quentin. As number 8548 he was discharged in late 1888. According to Captain Lees he was soon up to his old tricks again.

The royalty of burglars were the safecrackers, or "cracksmen." Lightning Davis was no doubt prejudiced on the subject, but he was close to the truth when he said, "A safe burglar stands at the head of all the profession. . . . Safe burglars, as a rule, will not associate with men below them unless circumstances bring it about. The State Prison is the burglars' university. It is there that he takes the final course in his

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education, and when he is set free he is ready for any enterprise from holding up a stage to breaking into a bank and compromising with the sheriff."

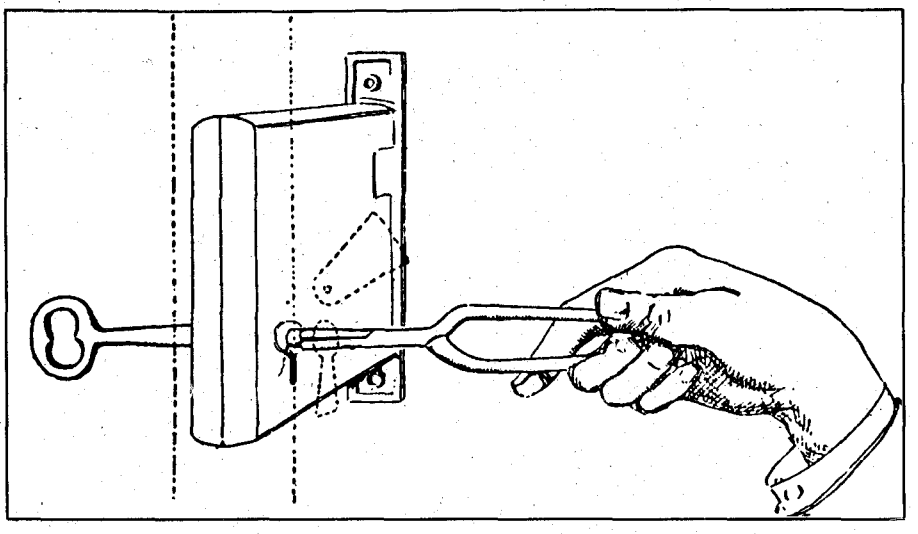
A top-notch safe man was a good mechanic and made a careful study of his work. He started with all kinds of locks—taking them apart, seeing how they worked, then reassembling them. There were various types of safes also, from small and inexpensive models to large, costly ones. Safe men had to constantly study new models and improvements. This was done by visiting a safe agent and telling him you were a saloon owner interested in a good safe for your business. The agent was anxious to sell and explained all the intricacies of his safe's lock, noting all the good points in the mechanism. When asked about competitive safes, the agent pointed out all of their weaknesses. At the first opportunity, the burglar took a match or a pencil and measured the bolts, tumblers, and other portions of the combination to get an idea of their proportions and make-up.

A visit to the rival safe company revealed the weak points in the first dealer's goods. Just as physicians read their medical journals, burglars watched displays in the windows of the big safe houses to keep abreast of improvements.

SAFE MEN usually worked in pairs. One of them, known as "the spotter," located the place to be burgled. He visited the place as a customer, asked questions, looked around, and generally tried to make sure a robbery was practical and worthwhile. He learned all he could about the safe—its maker and what style of lock it had.

Next, the burglars watched the place for several days. After closing they would put a bit of wood in the door, then leave for several hours. When they came back if the wood had dropped to the pavement, someone had entered and perhaps slept there. If the wood were still in place, no one had entered. They had found out what they wanted to know without loitering in the neighborhood and perhaps being recognized later.

Now they could get down to business. The next step was to break into a local blacksmith shop and steal a sledge and brace and bits. The sledge handle was sawed off to about six or eight inches, making it easy to conceal. "I have walked along the street with an eight pound sledge in my sleeve," recalled a burglar, "passing policemen who never dreamed of what I was carrying."



Author's Collection

An early newspaper sketch shows how "nippers" were used to open door locks in which the key had been left on the inside.

Once at the robbery site, gaining entrance was easy enough using one of the many methods of breaking in. One of the burglars, called the "crow," remained outside to warn of approaching pedestrians. He was to rap sharply once if anyone was coming so the drilling could be halted. Two raps meant drilling could be resumed.

Inside, the safe man worked fast. He used a candle for light—it was easy to hide in his pocket or throw away. It was stuck in position and shaded so as not to allow any glare to be seen through the windows. The burglar already knew all about the safe and didn't have to waste time figuring out what to do. He got right to it. Often an older safe could be opened by drilling a hole near the combination, then driving in a punch with the sledge. The newer safes would have to be beat by powder and fuse. Even time locks in a safe could be beat by a little dynamite fired on top that would start the clock running down. During that part of the operation the "crow" was very important and he had to give warning if anyone were close by.

Once the job was completed, the sledge and brace and bits were left at the scene. The burglars left by an entirely different route than the one by which they arrived. They returned to their rented room—usually in a private home or with a friend, for too many people might recognize them in a lodging house.

The next morning they read of the robbery in the local press. Invariably the reported amount of stolen money was double that actually taken. "We used to wonder why that was done," commented a nineteenth century burglar, "but we have come to the conclusion that it is a ruse to cause a row among the burglars, for don't you see if the man who stood outside reads that $20,000 was taken instead of $10,000 reported by his pal as the real amount, the inference by the officers is that he will 'squeal' and turn state's evidence."

Most burglars agreed on where to go after a crime. "There is safety in a big city," reflected one early burglar. "There we can disappear. You read about burglars fleeing to the mountains. Damn the mountains, I say. In small towns you are sure to be arrested on suspicion. No one knows you, yet everyone sees you. In the city you are swallowed up."

SAN FRANCISCO was awed by the perseverance and audacity of a skilled safe burglar in June 1881. Captain Lees and Chief Pat Crowley were called to the Peder Sather Bank on the morning of the twenty-seventh for a consultation with the management. A porter had discovered a small pile of dust and mortar on a clerk's desk and alerted his supervisor. Looking about, the bankers could not discover where the dust had originated, so had called the police.

Searching upstairs the lawmen found a closet directly above the bank's vault. Clearing out some trash in the closet, Lees found a carefully disguised trapdoor had been made in the floorboards. Prying up the cover, he discovered a hole being burrowed in the top of the vault. The two police officers were amazed.

The vault was built of chilled iron set in masonry and cement. There were thirteen layers of brick across the top, with three-sixteenth-inch straps of iron between each layer. At the bottom of all

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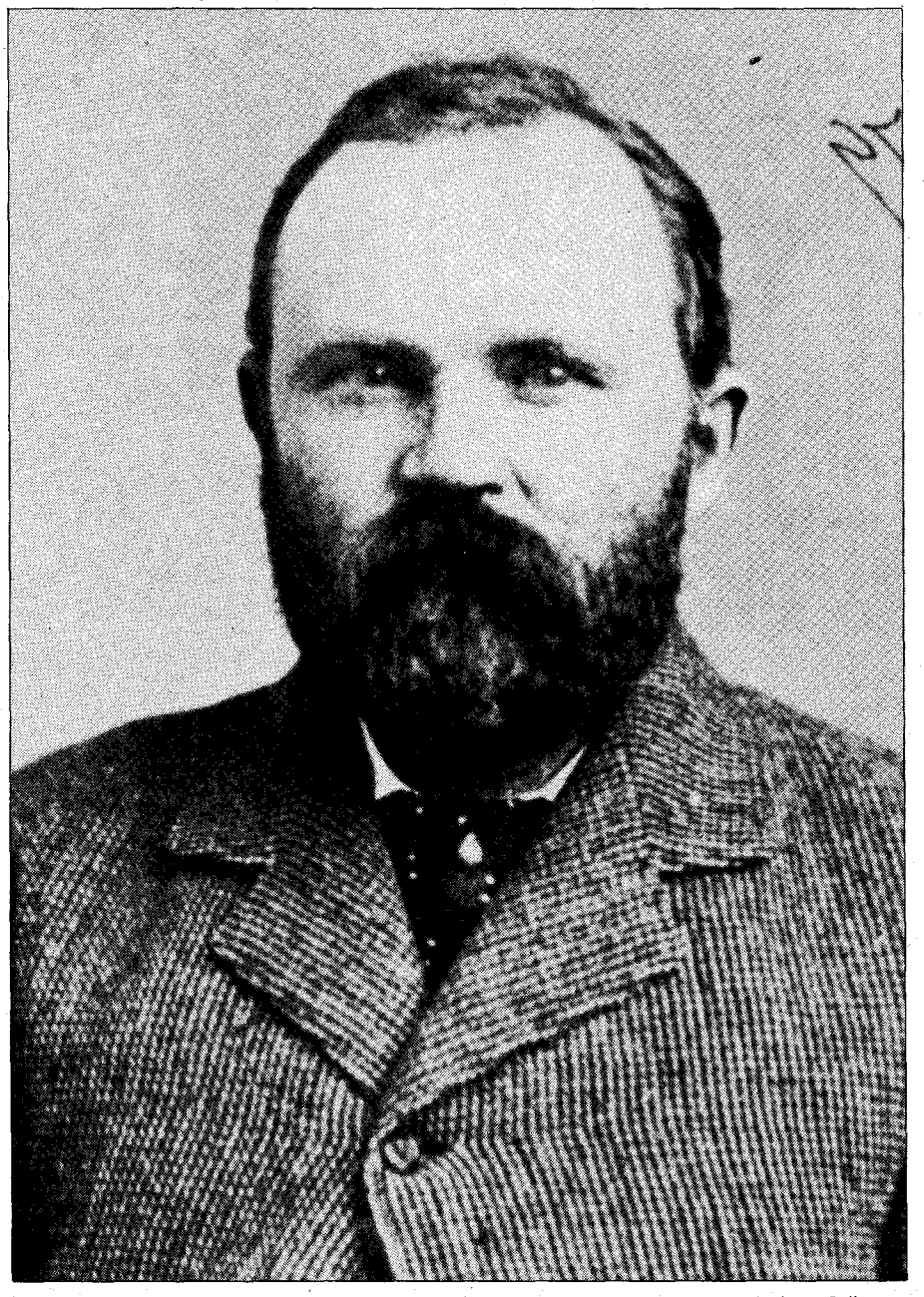

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Jimmy Hope, one of the most notorious bank burglars of nineteenth-century America. He objected strenuously to the San Francisco police taking this mug shot when he was captured in 1881.

this, forming the top of the vault, was a layer of railroad iron. When discovered, the burglars had already carved a four-foot square down through the first twelve layers of brick and iron. Apparently they had been working for the past few nights, throwing the debris down a space between the wall and the vault. A small pile of mortar dust filtering through a crack in the wall had foiled their ambitious efforts, however.

Returning to police headquarters, Lees and Crowley called in their detectives and explained the situation. They did not know the burglars' identities. They were top-notch, however, and the canny Lees undoubtedly had an idea who they were from their operation. They had probably arrived from the East earlier in the month. The vault was reported to contain some $600,000 in cash and securities.

Lees' plan was simple and went into operation immediately. Detectives Billy Jones and Ben Bohen were to occupy a room directly across from the bank. John Coffey, Ross Whitaker, and Ned Byram would take their position in a second-floor office in the same building as the bank. They could look across Montgomery Street to where Jones and Bohen were to signal if anyone entered the bank building. While Whitaker watched for the signal, Byram and Coffey would watch the door. Then they would trade off, any one of the three taking time off to rest as needed.

At five o'clock that evening the detectives met at headquarters. Ned Byram noted they had assembled "tools, shotguns, keys, dark lanterns, provisions, satchel and stockings to wear over our boots." Bohen and Jones left first, followed by Coffey and then Whitaker. All left singly and joined up at their stations.

At a quarter to nine o'clock that evening Whitaker whispered that he had seen a lantern flash twice from across the street. A moment later they heard the front door open and two men came up the stairs talking. As the detectives crouched by the door of their office hideout, they heard the men in the closet and prepared for the capture. While Coffey and Byram made the arrest, Whitaker was to run downstairs and let Jones in, having Bohen stay outside and watch the windows. Byram reported events in his journal. "Being all ready we sallied forth. I shouted to them to throw up their hands or they were dead men. The door leading to the water closets opened and closed and all was quiet. We made sure that both men were in there and I demanded it to be opened. I called a second time and a voice replied all right, I will. The doors opened and one man showed himself with both hands up, but no second man could be seen."

THE MAN said he had just come in to use the water closet, but the detectives closely questioned him about his companion. There had been no second man, he insisted, but finally he admitted his companion had gone upstairs. Frantically the lawmen searched for the fugitive burglar but could find no one else.

When Captain Lees rushed up the stairs he quickly took charge of the search. A lawyer's office was on the third floor, and Lees quickly forced it open. An open window solved the riddle. The second burglar had been upstairs making sure of an escape route when he heard the detectives capture his partner. In a moment he had disappeared out the window.

Lees helped Byram through the window and onto an adjoining roof, where he traced the burglar's movements to the street. The bird had flown.

Collecting all the tools on top of the vault, the detectives took their captive downtown. He insisted his name was Thompson, but Byram recorded otherwise. "The man was stripped and he was

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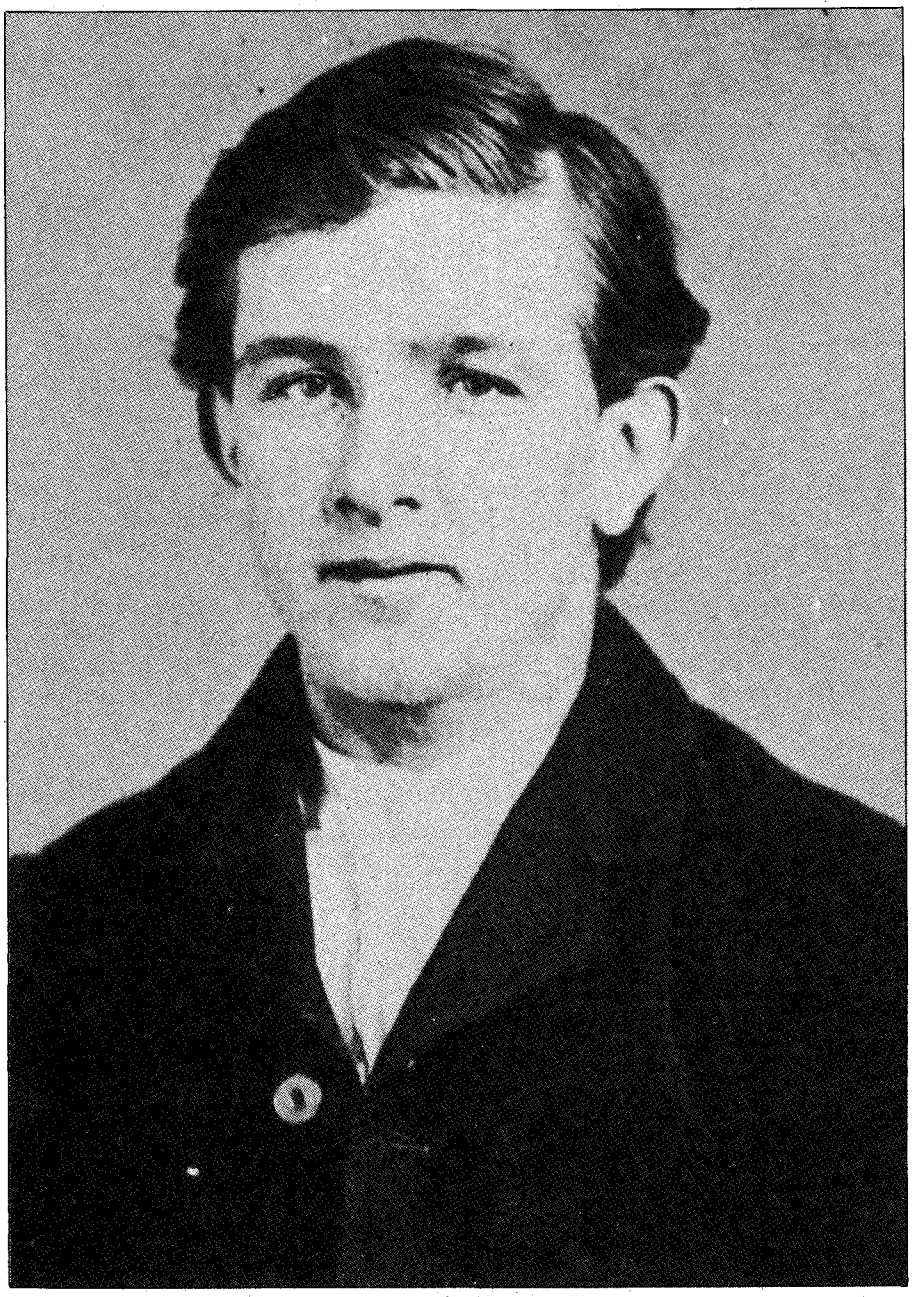
found to be Jimmy Hope, the renowned eastern bank burglar, having his name in India ink on his arm. We worked the remainder of the night in trying to get his room and his companions."

Lees and his men had bagged big game, indeed. Hope, a dapper, mild-appearing bearded man, was one of the most notorious burglars in the country. Born in 1836, he had first come into prominence after robbing the paymaster's safe in the Philadelphia Navy Yard in 1870. He was sent to prison after robbing the Perry, New York, bank, but soon escaped. After numerous burglaries and more prison time, Hope engineered his most noted crime, the robbery of the Manhattan Savings Institution in October 1878. He and his gang got away with over two million dollars in cash and securities. Many credited the invention of the time-lock to Jimmy Hope's audacious crimes.

WORKING QUICKLY, Lees and his detectives traced the burlgar to his room in a private home. There, Byram reported, they found "3 pair of nips [nippers], steel wedges, gimlets, powder, dynamite, nitro glycerine, and a socket for a combination jimmy which exactly matched the jimmy found on top of the bank vault." The case was coming together quite well as noted by an article in the *Call* of July 2, 1881. "Jimmy Hope, the bank burglar, was yesterday removed from the Central Police Station to the County Jail where he will be detained until he is tried in the Superior Court. It is stated the officers who worked on the case are in possession of evidence that will, as one of the detectives said, 'place Hope in the hole over the vault so snug that he will not be able to squirm out through any of the legal loop-holes.'"

In early August Hope's wife arrived from the East and registered at the Russ House as "Mrs. J. Murphy." She immediately applied for a permit to see her husband and was an example of the twilight world in which the family of criminals lives. Although she was apparently innocent concerning her husband's vocation, Captain Lees took no chances and assigned several detectives to watch her around the clock. "She is a very tall, stout woman and fine looking," wrote Ned Byram in his journal, "about 50 years old, hair silver gray." After several visits she sent a rocking chair and pillow to her husband's cell, then prepared to leave town, much to the relief of the detectives.

Hope's counsel put up the expected spirited defense. Despite every legal trick in the book, however, he was convicted after a lengthy trial and sentenced to seven and one-half years in San Quentin. When he was released early on good behavior, detectives were waiting for him, and he was returned to serve out a prison term in the East.



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The innocent face of Tommy Wallace sheltered the soul of one of the most dangerous burglars of old San Francisco. From a mug shot in the journal of Detective Edward Byram.

Little doubt existed that Hope's companion in the burglary was Little Dave Cummings, another notorious thief. Dave's real name was Cronin, and his mother lived in San Francisco at the time. Dave had participated in almost identical bank burglaries, and he undoubtedly had set up the job. He was picked up in Wisconsin in September 1881 and sentenced to three years for a hotel robbery.

When Jimmy Hope passed away in 1905 his wife complained bitterly of his having "died of grief, broken-hearted because of the publicity which constantly kept his record alive." Lawmen throughout the country, however, heaved sighs of relief rather than sympathy.

Good burglars, then and now, were clever and resourceful. By applying themselves to any honest job they were certain to be successful, but they couldn't resist the dangerous and heady siren call of crime.

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The West Texas Ribbon Wars

By REBECCA MATTHEWS

"WAR OF THE RIBBONS. A Clash That Rivals The War Of The Roses. 'Rip 'em And Split 'em And Go And "Git" 'em!' Is The Cry," *The Borden Citizen* headlined its March 17, 1904, edition. Though the Borden County, Texas, newspaper *may* have exaggerated just a bit when it compared the west Texas Ribbon Wars to the War of the Roses, the land rushes—or "wars"—of the early twentieth century were among the more colorful episodes in the closing of the Texas frontier.

The wars affected twenty-one west Texas counties and occurred off-and-on between 1901 and 1905 when school lands which ranchers had leased came onto the market. For days, and sometimes months, before the land came up for sale, ranchmen and settlers would fight for control of the county clerk's door so that members of their group could be the first to file application for the land. Sometimes the two factions would recruit help from the surrounding area, bringing in as many as 300 extra

The land rushes—or "wars"—of the early twentieth century were among the more

Illustration by BUD McCAULLEY

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men for each side.

Because of the numbers and because many of the men did not know each other, they needed badges of identification to tell friend from foe. In many places, residents identified themselves with armbands of different colors of ribbon, usually red, blue, or yellow. The land rushes, therefore, were dubbed the Ribbon Wars.

Texas land laws were responsible for the chaotic and sometimes violent land rushes. In the early years of statehood, Texas was generous with her public domain, granting over 242 million acres of public lands to the schools and about 32 million acres to the railroads. Beginning in 1854, the railroads secured land in unsurveyed portions of the state by surveying the area, numbering sections consecutively, and claiming alternate sections for themselves. The remaining sections were reserved for public school funds. The result resembled a checkerboard with the railroads owning the black squares and the schools owning the red squares.

When the railroads placed land in west Texas on the market in the late 1800s, ranchers or land and cattle companies bought most of it. The ranchmen would then lease the alternating sections of school land from the state for anything from eight cents to twenty cents an acre. By doing so, the cattlemen controlled vast acreages. For example, the Spur Ranch, which the Scottish-based Espuela Land and Cattle Company owned, covered about 500,000 acres in parts of four counties, and stockman John Slaughter's U Lazy S Ranch controlled over 126,000 acres.

That landfall for the ranchers was short-lived. In 1901 the Twenty-seventh Texas legislature approved a law that opened for sale school lands in twenty-one west Texas counties. When the ranchers' leases expired, the state could sell the school land for one dollar per acre. The government required one-fortieth down in cash and allowed purchasers to pay off the remainder in forty annual installments, with three percent interest rates on the unpaid balance. Leaseholders could file on up to four sections of the land they already occupied, but that policy provided little comfort for the ranchers. The four sections that they could legally buy were only a small portion of the pastures they already had "under fence." The first person to file a legal application at the county clerk's office when the land came on the market could buy the rest of their leased land. Naturally the generous prices and financing on the land attracted many prospective settlers.

Stockmen immediately looked for ways to get around the law. Many tried to retain control of the land by "lapse-leasing." They would cancel their leases before the expiration date and then re-

colorful episodes in the closing of the Texas frontier.

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lease the land for an extended time. Such actions led to a lawsuit, and in 1902 the Texas supreme court ruled that the land should be placed on the market as soon as the original lease expired. According to one west Texas cowboy, that action scared the lease owners so much that they sold their leases to friends, relatives, and employees, who could then purchase four sections of land when the leases expired.

Even so, the ranchers faced a dilemma. Some presumptuous nesters had already set up housekeeping in the middle of their fenced pastures, which was understandably irritating. Most of the cattlemen believed that no one could make a living on four sections of dry west Texas land anyway. They claimed that all the nester could do was "legally starve to death some good woman and her children." They wanted relatives and employees to file for the land so that they could retain control of it. The farmer, in contrast, believed that the ranchers only wanted to keep control of the land for their own selfish purposes. The lines were drawn, and almost every citizen in the area would have to choose sides before the "war" was over.

The first shots of the war were almost fired at the earliest documented rush, which occurred in Schleicher County on August 1, 1901, when a little over one hundred sections came on the market. In an interview years later, the county clerk, F.C. Bates, Jr., recalled that there was such a surge of humanity when he opened his office that the little frame courthouse literally shook and the walls moved back and forth. As the clerk filed some applications, a man shoved his way through the crowd and pushed a .45 caliber six-shooter into his face. The man then demanded that his applications be filed immediately. The clerk ignored the ultimatum and went about his business, thinking that "if he did shoot and the ball hit the target that he would then get no land at all as the clerk would be out of commission." A deputy showed up soon after and took control of the situation by conking the man on the head with another six-shooter.

During the following years, people in some counties occasionally came up with unique ways to settle the struggle at the clerk's door. In letters and family papers, the late J.M. Boren of Garza County speaks of "land pulls," in which cowmen and settlers lined up for a tug-of-war. Yes, a tug-of-war! Imagine the excitement as a hundred or more weathered cowboys lined up against beefy farmers for the pull. Who would be the strongest, those who wrestled cows or those who wrestled plows? And what stakes! Whichever team was able to tug the other across a line would be declared the "winners" and their members would be allowed to simply walk into the clerk's office to file on the land of their choice. Both sides agreed that each man should control his temper and that anyone who failed to do so would be thrown in jail if necessary. The land pull was probably more practical and certainly more entertaining than merely standing in line.

At 10:00 a.m. the forces clashed inside the courthouse. According to Jot Smyth, who wore a blue ribbon, the cowpunchers went in and "throwed these fellows out. . . . They was in that old hallway, run north and south, and we just shoved them out that south door." Evidently, brute strength determined the outcome.

In another rush at Eldorado, Schleicher County, one faction brought in uniformed football players from some of the larger towns in the state. The plan was for the players to get into formation and make a center rush for the door. The tactic failed when other participants refused to play by the rules and merely wrestled the football players to the ground and held them down.

At a rush in Irion County, a cowpuncher tried to secure his place in front of the door by roping his opponents and pulling them out of line. He met with only modest success.

In Howard County, the cowboys built a wooden chute (much like a loading chute for cattle) outside the clerk's office window. They could hold their place at the chute and avoid the crowds at the door—a creative solution, to say the least. When the date for filing dawned, the cowboys lined up outside the window, and the farmers lined up outside the door. The method avoided scuffles until the clerk accepted claims through the window, much to the farmers' displeasure. A court had to decide the resulting controversy over whether claims filed through the window were legal; it found in favor of the cattlemen. Even then, the issue was not settled. In the next election, one candidate for county clerk made accepting claims from the chute an issue. He promised that if he were elected, all applications would have to come through the door. He won the election.

In most places, though, the rushes were less creative and more violent. The best documented account of any of the rushes concerns two March 1904 rushes at Gail, in Borden County. Some historians claim that they were fairly typical and serve as good examples of what most of the area rushes were like.

According to the March 17 *Borden Citizen,* five sections of the land came on the market on March 4, 1904, and three sections on March 11. Those were the last rushes in the county, so they involved less land and more sentiment than earlier struggles. Settlements and improvements had already been made on some of the sections; one man had even spent $1,000 building a tank on the land for which he hoped to file. He may have been putting the cart before the horse, but the action certainly gave him incentive to hold the line.

The settlers had been doing just that. Unmolested, they held the clerk's door in Gail for two or three months prior to the filing date. People took turns sitting in the hall and eating and sleeping in shifts to hold their group's position before the door.

In Borden County, as in many other places, the farmers identified themselves with red armbands, the cattlemen with blue. On the morning of February 29, 1904, a large number of cowpunchers arrived in town, surveyed the situation, and donned their blue ribbons. Sheriff W.K. Clark searched and disarmed everyone who came into town. He took away every possible weapon, even pocketknives, and kept them in a barrel in one of the stores, where the owners could reclaim them right before leaving town. In an interview years later, one participant said that the sheriff warned the cowboys against fighting. One must wonder, though, at the sheriff's definition of "fighting," considering the knock-down-drag-outs that followed. His main goal must have been to avoid killings or serious injury. One participant, Jot Smyth, recalled the experience years later and reported that when the cowboys hit town, Sheriff Clark asked them what they were planning to do. Then he told them, "Well, whenever you boys get ready, let me know. And I'll search you, and you can have at 'em."

The cow-punchers took the sheriff at

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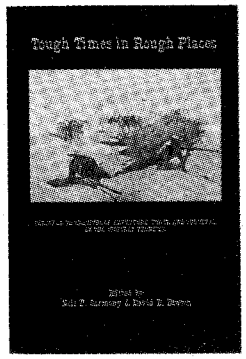

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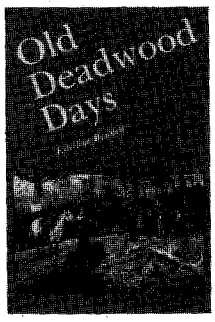

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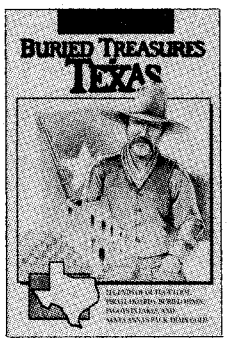

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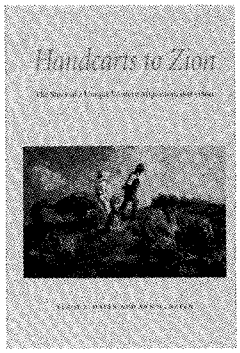

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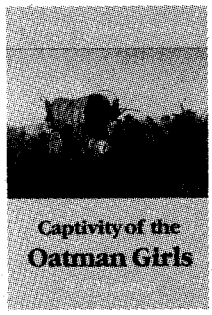

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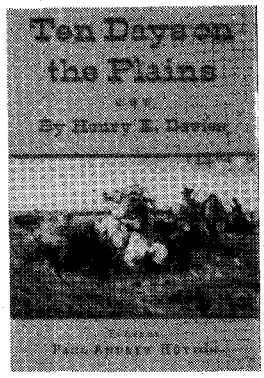

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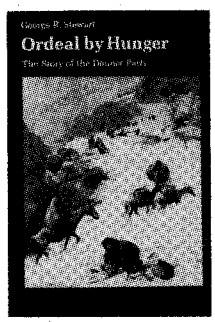

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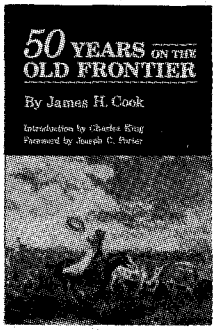

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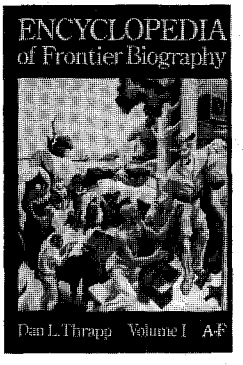

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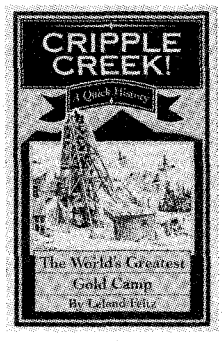

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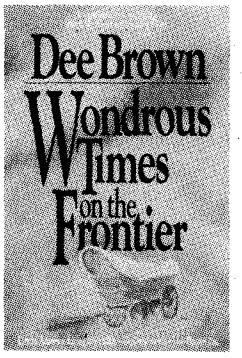

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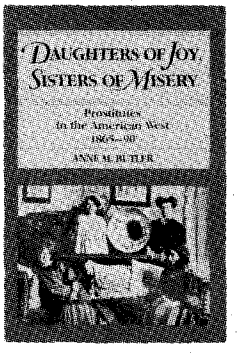

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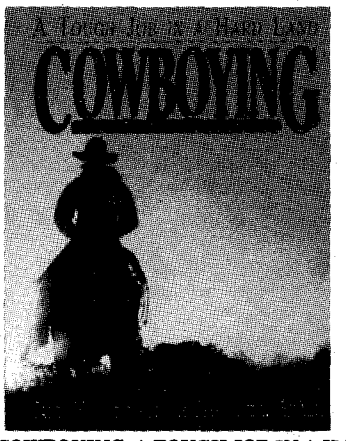

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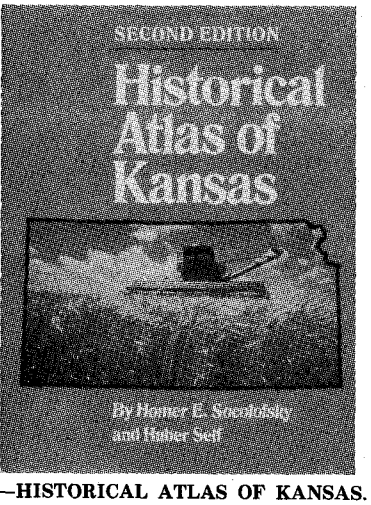

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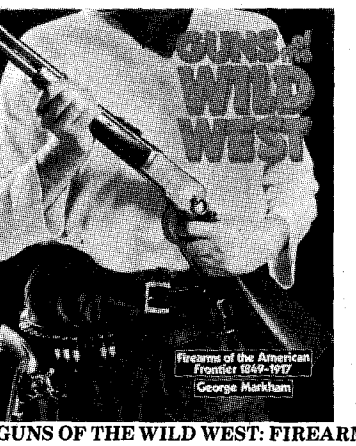

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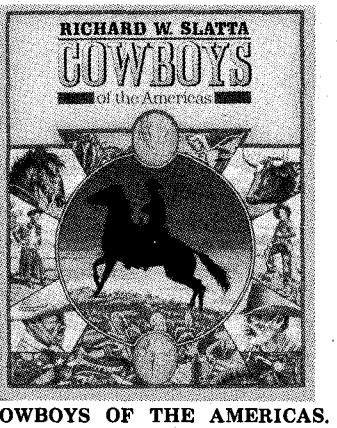

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his word, and "had at 'em" that morning. After a ten-minute struggle, the blue-ribboned cowboys took possession of the courthouse, and according to the newspaper account, "There went up from the Blues a yell that would have stampeded an army of Apaches."

The red-ribboned farmers were disheartened but not beaten, and left town to gather reinforcements. They returned with a stronger force two days later, and on the evening of March 2, retook the hall after twenty minutes of rolling and pulling. The newspaper estimated that 225 men took part in the struggle that day, a crowd larger than Gail's entire population. The Reds held the courthouse for the next days and filed on the available sections when the clerk opened the office at midnight, March 4.

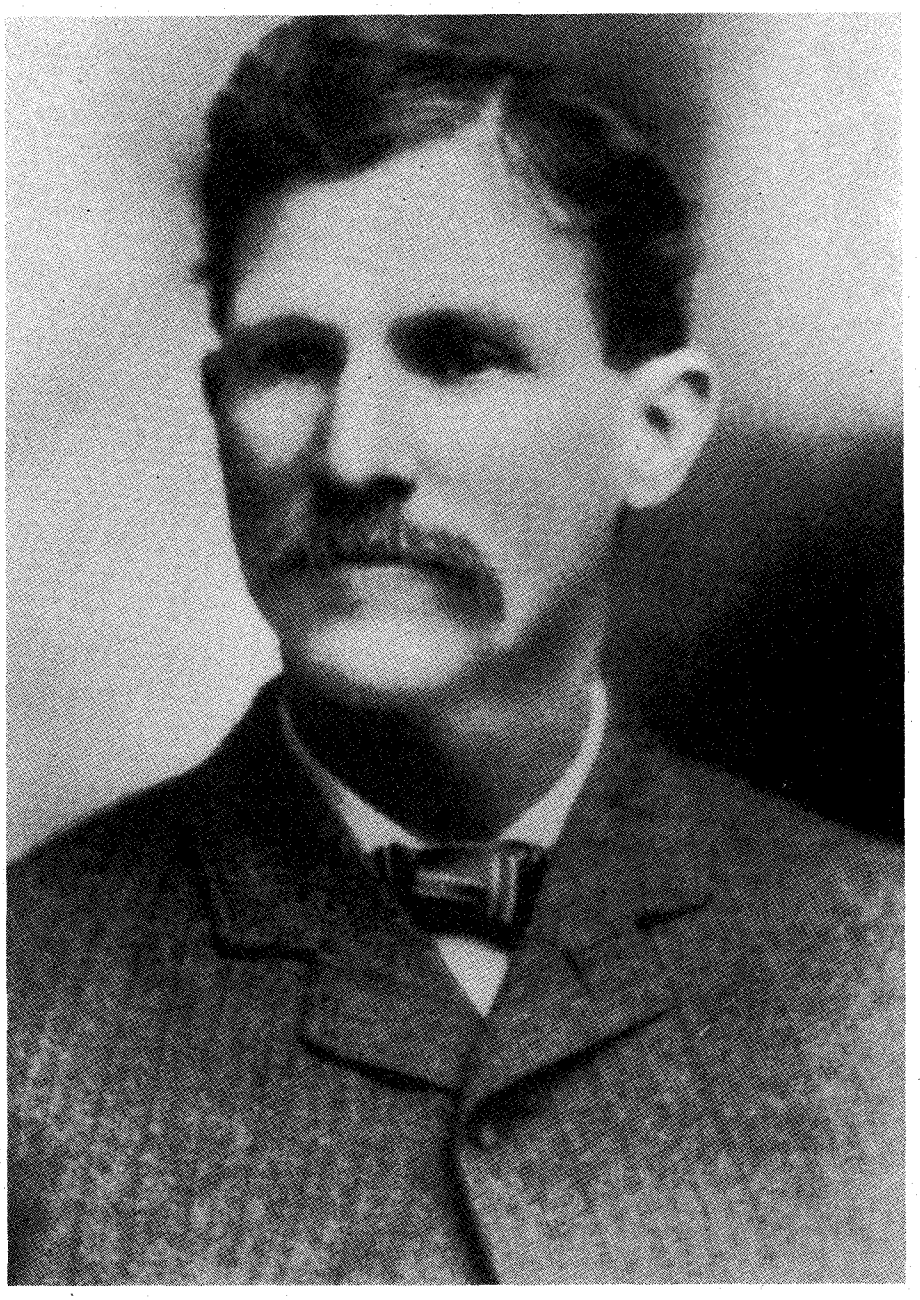
The Blues retreated and regrouped for a bigger battle later in the month. John Slaughter, owner of the U Lazy S Ranch and one of the biggest landholders in the area, had some sections coming on the market on March 11. He and his brother, C.C., who owned a nearby ranch, brought all their hands into town for the fracas. They even brought in a chuckwagon and camped in a draw at the edge of town for four or five days before the rush.

The newspaper claimed that the Slaughters hired and brought out a great many men from Abilene, Colorado City, Big Spring, and other nearby towns and counties. By the morning of March 9, the settlers had about 125 men, while the ranchers had 175.

At 10:00 a.m. the forces clashed inside the courthouse. According to Jot Smyth, who wore a blue ribbon, the cowpunchers went in and "throwed these fellows out. . . . They was in that old hallway, run north and south, and we just shoved them out that south door." Evidently, brute strength determined the outcome. Whoever could lock arms with an opponent and shove the hardest was the winner.

And where was John Slaughter—the man with the most at stake—during the altercation? One observer claimed that he sat on the courthouse fence and watched as his men won the day for him.

The Reds, however, were not discouraged. They may have lost a battle, but they knew the war was far from over. That same afternoon, they managed to muster more than 200 supporters. The Blues had divided their men, stationing about one third of them in the hall and leaving the remainder outside the courthouse to guard the doors. Being wily strategists, the Reds also divided their forces. Two-thirds of them were to engage those guarding the entrance. According to the newspaper, "the reserve force. . . was to leap the breastworks (composed only of heaps of struggling humanity)" and occupy the hall. Jot Smyth was one of the last three men in the courthouse. His opponent was "much of a man," and Smyth claimed that they "rassled around there for quite a while" until the Reds "kinda cleared the thing out."



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John Slaughter, owner of the U Lazy S Ranch.

Some participants were not as fond of "rassling" as Smyth was. The newspaper reported that many of them "compromised with members of the opposing army, and. . . locked arms and retreated to what they considered a more respectable distance where they watched with interest as the battle raged." Perhaps they joined John Slaughter on the courthouse fence. In any case, after a fifteen-minute struggle, the Reds once again occupied the courthouse.

When brute force failed, some land rush participants relied on strategy to win a place in line. One popular story concerns two women, the Turner sisters, who took advantage of the cowboys' chivalry. In one of the earlier land rushes in Borden County, they walked around and through the men struggling outside the clerk's door and filed on their land without being stopped or harmed in any way.

Since chivalry only worked for women, men resorted to trickery. One

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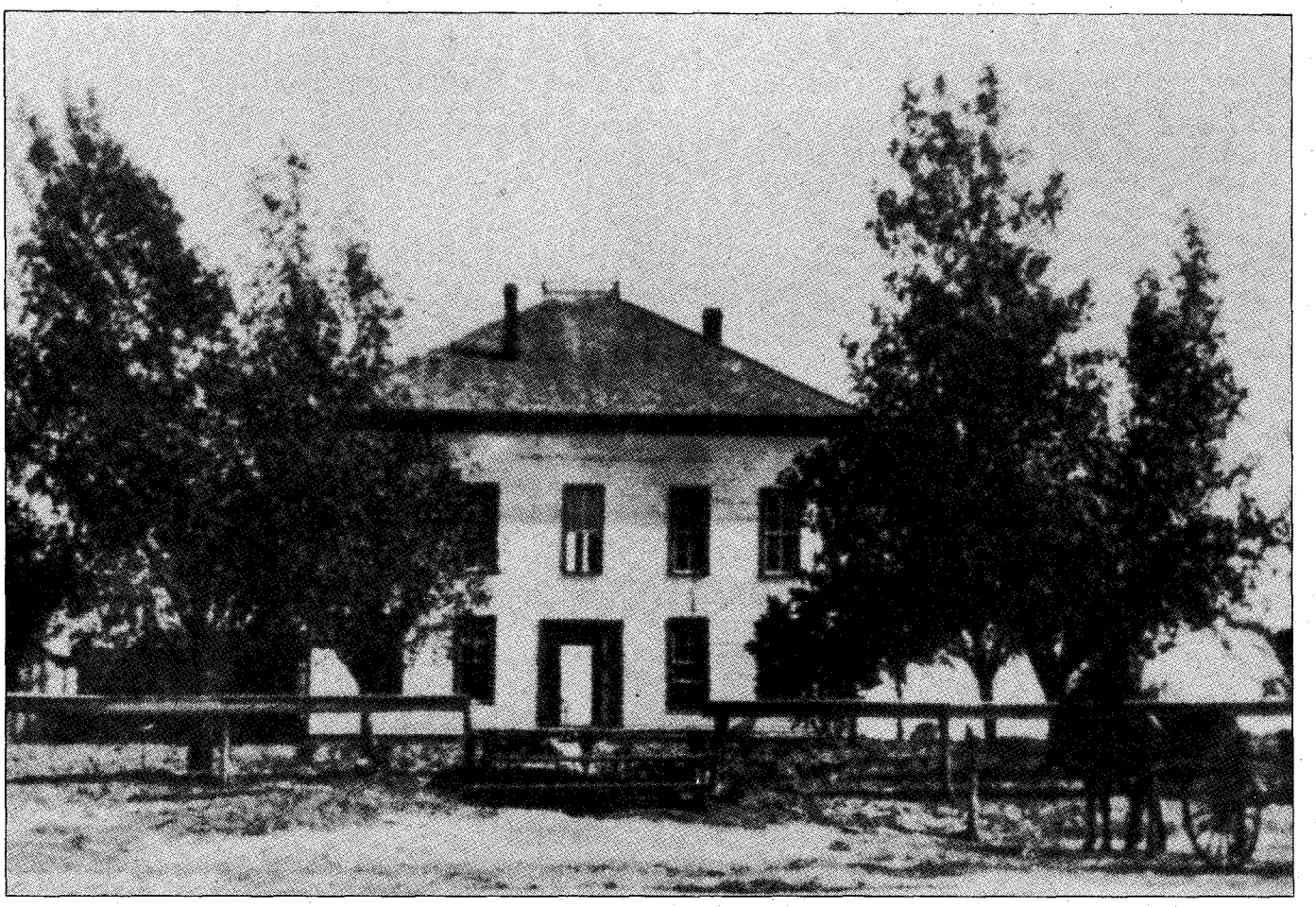

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Borden County courthouse at Gail, Texas.

current resident of west Texas repeats a family story about her great-grandpa Burnet, who owned a ranch in the area. He had a large family with many sons and nephews who were strapping young men at the time of the rush. He had the young men start a fight among themselves outside the courthouse to serve as a distraction. Those in line either watched the fight or decided to join it, and the old man walked into the clerk's office unnoticed to file on the land he wanted.

Another prominent Schleicher County rancher used his head by siding with the settlers in one rush. By doing so, he gained title to three sections of land which his family still owns.

Most tricksters did not have such success. Several accounts tell of a man trying to hide under the clerk's desk at closing, hoping to jump out when the clerk opened up the next morning and be first in line. The ploy always failed. The man attempting to hide was always discovered and ushered out of the office before the evening was over. Others tried bribing the clerk to carry the papers in his pocket until time for filing. They were equally unsuccessful.

When one man in Big Spring could not make his way through the line outside the clerk's office, he announced that he was not there for the rush. He had other business with the clerk. In fact, he said, the two of them were going to the clerk's house for supper. The ruse allowed him entrance into the clerk's office, and once there, he refused to leave. He was a big man, so others were reluctant to wrestle with him, but eventually a couple of other big fellows entered the room and politely asked him to leave. They "accidentally" pushed the man out the door during the ensuing scuffle.

Another story concerns the March 1904 rush in Borden County. Both Blues and Reds brought in help from outside the county, but rumor among the settlers indicated that John Slaughter planned to bring in an army of 300 black men from Fort Worth to help hold his men's place at the clerk's door. The idea of having to fight off 300 black men struck fear in the hearts of the farmers, most of whom had a southern background. A couple of cowboys decided to use the rumor and resulting fear to their advantage. At 2:00 a.m. on the morning of March 10, one of the men blacked his face and hands with soot. Then he and an accomplice walked into the courthouse and took possession of the clerk's door. According to a newspaper account, they chose their time well, for no one stood outside the door. The settlers were all asleep or in the sheriff's office. Once the men were discovered, the settlers rallied, but the two men kept a dozen or more settlers at bay by talking about "Mr. John" and his "three hundred Niggers." Finally, someone held a lamp up close to the "black man's" face and discovered the hoax. The cowboys were escorted out of the building, much to the relief of the settlers. To this day, no one knows if the two cowboys were honestly trying to take over the door or if the prank was the result of too much whiskey with a splash of lighthearted cowboy humor. In any case, the settlers held the door, and they were not laughing.

Jot Smyth recalls camping with the Slaughter wagon at the edge of town that same night—the last night before filing. A cowboy, who was not entirely sober, woke Smyth to ask if he had a gun. Smyth had one in his bedroll. The cowboy urged him, "Get your gun and

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let's go up yonder and shoot the top off that courthouse and run those fellows off." But Smyth was both sober and levelheaded. He declined, saying, "I kinda like this country and want to stay here." Jail, evidently, held no appeal for him.

The settlers outnumbered the ranchers in Borden County in 1904 and held the door against both brawn and trickery until the county clerk opened his office at midnight March 10. The winners celebrated before leaving town the next morning. They sported red ribbons, waved red handkerchiefs from their wagons, placed red banners in stores, and even hoisted a red flag over the courthouse. The cowboys quietly left town. One hundred and fifty of them stopped at a nearby ranch for breakfast, where a kindhearted ranch wife fried four hams and made a fifty-pound bag of flour into biscuits to feed the disheartened but hungry crew.

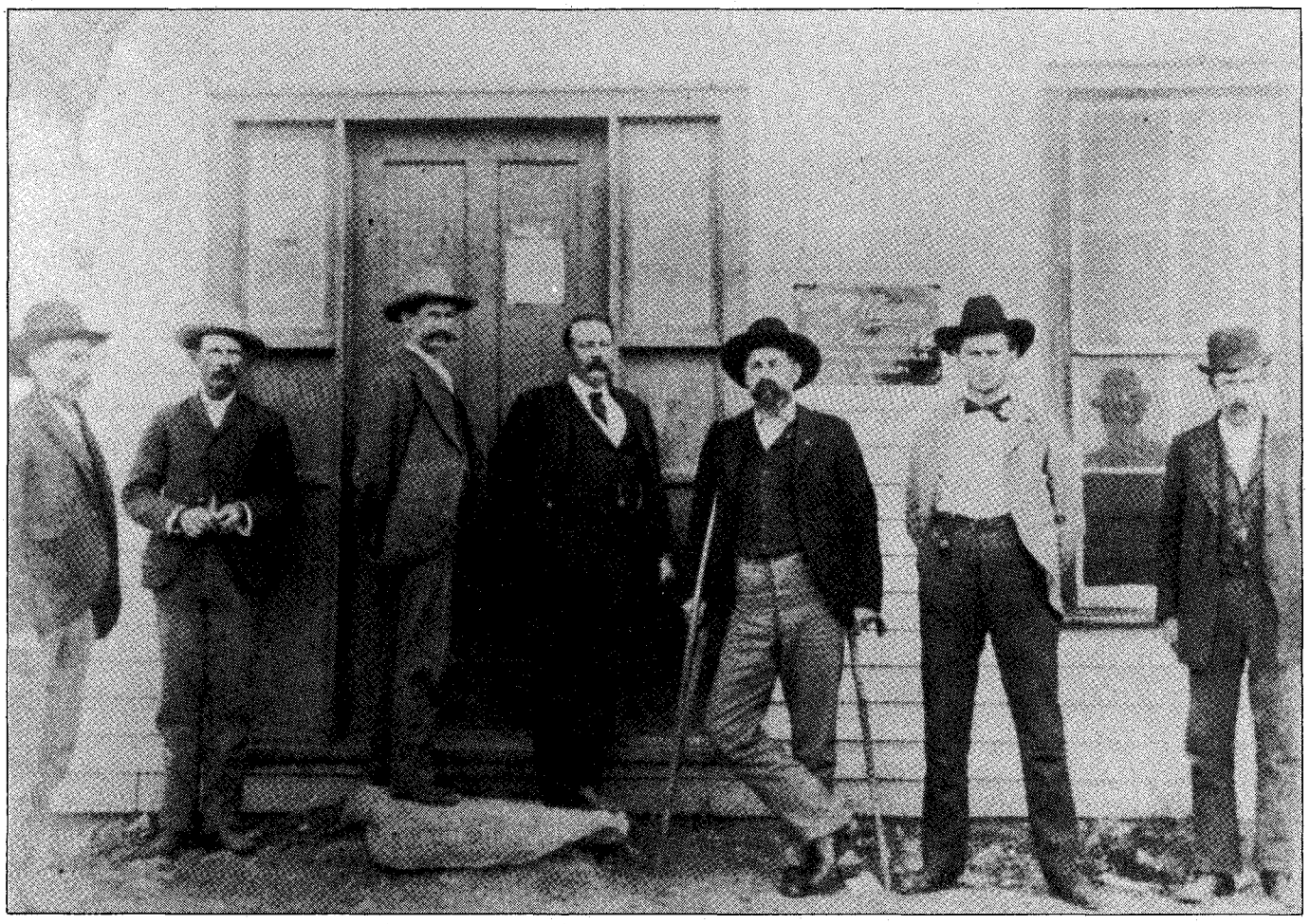
The land law that started the conflicts also placed a heavy burden on individual county clerks. In addition to enduring the brawls, threats, and bribery attempts, the men were overworked. People filed application on approximately nine million acres during those years, so the clerks had to handle a great deal more money than usual. Many lived in towns without banks, so the possibility of robbery was an extra worry.

According to one clerk, though, the heaviest burden involved making the difficult decisions about who actually filed the first application. With homes and jobs at stake, the clerks often felt overwhelmed. F.C. Bates, Schleicher County clerk during the rushes, once explained that no outsider could possibly realize the responsibility "placed on the shoulders of the county clerks during those times when homes for mothers and children and bread and meat were involved." He put the blame for the rushes squarely on the shoulders of state legislators, who, he believed, "made a fatal mistake in the mode of filing these applications, which mistake came very near running into bloodshed, and in some instances did so."

Recognizing the seriousness of the situation, the 1905 Texas legislature rectified the mistake by passing a competitive bid law. Under the new law, people who wanted to buy land would send in sealed bids, and the highest bid would be accepted. With the enactment of that law, the Ribbon Wars ended.

One old-time cowman who saw the land rushes said, "It was the most foolish thing ever done and all uncalled for." A more sensible method of filing would have prevented the skirmishes at the clerks' doors.

But Mother Nature ironically determined the ultimate winners of the war. Within fifteen years of the Ribbon Wars, much of the farmers' land reverted to grazing because of drought. Even today, farming is successful only in areas where irrigation is possible. The remaining land is cattle country, and rural counties are facing population declines. The land rushes of west Texas are now no more than colorful memories.



Southwest Collection, Texas Tech University, Lubbock, Texas

Borden County officials in front of the courthouse. Sheriff W.K. Clark is in the center.

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Martha Fagan, Gentlewoman Farmer

By SHARON E. MARTIN

Juanita Fagan Gates Photo

Cherokee Outlet homesteader Martha Fagan, late 1890s.

Martha Fagan was twenty-seven years old in the autumn of 1885 when she left Rochester, New York, and the comforts of a closely-knit family for Sumner County, Kansas. She told her sisters she wouldn't be gone long.

It was not her first visit west. Her brother, John, had ridden horseback from Durham, Ontario, Canada, via Rochester about ten years earlier. His horse played out at Chillicothe, Missouri, but John traded horses with a Missouri farmer and continued to Wichita, where there was a large Irish Catholic population. He married Catherine Sullivan in Wichita. According to their daughter's memoirs, "'Twas said the priest made the match."

Martha had visited John and Catherine on their farm three miles north and three miles west of Mayfield in the spring of 1881 when the third of their six children was born. Martha noted that a mockingbird sang through all the night before the child put in her appearance on Friday, May 27. She took the mockingbird's song to be a good sign, but declared the little girl red and ugly. The baby was christened Kathryn Regina.

Catherine Sullivan Fagan died in 1885, four days after the birth of her sixth child. That was the occasion for Martha's second trip west. When she arrived at her brother's Kansas farm, the new baby, a girl, was three weeks old.

On her first Sunday there, John asked Martha if she wanted to see his new baby daughter, for whom a neighbor was caring. Martha really did not want to see the child, remembering the ugly little red baby whose birth she had witnessed on her previous trip, but she could not refuse.

Kathryn later wrote that they "went over to Monroe's, the first farm on the west," where an old Scotswoman was taking care of the infant. Martha found her to be "just like a doll, so white and pretty." John told his sister she could have the child for her very own if she wanted.

Martha wanted. She named her Gertrude Elizabeth, and settled down to her ready-made family of five girls and a boy, leaving, as Kathryn later wrote, "a carefree life to take care of six, the oldest not eight years old, the youngest three weeks."

Kathryn remembered when her Aunt Martha came "for a few months, perhaps, with us. . . . I thot [sic] her dark red dress was beautiful. It was trimmed with red velvet." Martha had her picture taken in the dress, made with a basque and a bustle, which Kathryn "saw around for years. . . .

"Auntie was the neatest and cleanest person I ever knew. She always wore a girdle and in early years a small bustle. . . . She put her hair up in papers every nite. . . and never appeared with-

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Juanita Fagan Gates Photo

Martha's charges in 1887. Top row, left to right: Kathryn, Mary Jane, J.J.; bottom row: Gertrude, Agnes, and Margaret.

Juanita Fagan Gates Photo

The Fagan sisters in 1901. Clockwise from top right: Agnes, Gertrude, Kathryn, Mary Jane, and Margaret.

out being dressed and her hair combed."

Would this sophisticated urban woman survive the rigors of frontier farm life? Not only did she survive, she prospered, but not without some adjustments. John and Martha's younger brother, Joseph, came to Kansas the winter of 1886 to be a fireman and engineer on the Rock Island Railroad, and Martha always professed that Joe saved her sanity.

By the time the proclamation of August 20, 1893, announced the opening of the Cherokee Outlet for settlement, Kathryn was twelve years old and her sister, Mary Jane, fifteen—old enough to be left on the farm with the younger children. John could not stake a claim, but Martha and Joe were eligible.

No family accounts exist to tell how and when Martha preregistered, though it is certain that she made the run from Caldwell. Perhaps she was one of the several hundred women who received her registration before noon of the first day at Caldwell because of the gallantry of the men in the line. A.M. Thomas wrote in a letter to his daughter, ". . . we had to register and swear that we were half white, fully free and various other things. . . ."

Martha's nephew, John's fourteen-year-old son, J.J., who accompanied Martha on the run, told stories of their dash from Caldwell. He trailed behind his aunt on a bicycle in the company of his dog. His objective was not speed, since he was too young to stake a claim, but to get there. A family member surmises that the Fagan party knew right where they were going, as John had scouted the outlet before his marriage.

An Arkansas City paper reported the temperature was "one hundred degrees in the shade" and the wind was blowing "as if straight from the mouth of a seven times heated furnace." Family memories, so certain of J.J.'s bicycle ride, differ on how the prim and pressed Martha chose to make the run. Most accounts place her beside her brother, John, in a spring wagon pulled by a team of horses. Was she one of the women a reporter described as having "faces black with tears and dirt"?

An Oklahoma City paper noted, "So closely together were the contestants placed, that even the start was full of hazard. Horsemen were unseated, wagons overturned, and pedestrians prostrated and trampled in the mad rush." Conservative estimates place 15,000 homeseekers at Caldwell alone.

A month after the run Anna S. Wood, on the prairie between the outlet and Argonia, Kansas, wrote in her diary, "We drove past many carcass [sic] of what was once a good horse, but had laid down their lives in an attempt—vain or otherwise to make a home for their owner—in the wild run of Sept. 16th."

Martha and J.J. were not alone in the confusion. Joe could not race for his own claim because he was at the controls of a locomotive hauling homesteaders and sightseers into the Outlet by rail. John, who already owned two quarter-sections of land in Kansas, rode for him. John's sister-in-law and her husband, Patrick Ahern, joined them.

Gathering a party for the run made good sense. Witnesses were necessary not only to legally assert one's claim but to override false claims. In some cases, the claimant with the most witnesses

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Women Claimed Their Share of the Prize

"The number of people [who made the run into the Cherokee Outlet] far exceeds all expectations," ran the advisories issued by a Judge Wallack, special agent of the land office. A correspondent for Chicago's *The Saturday Blade* reported that ". . . hundreds [of the Boomers] were young unmarried women, and still other hundreds were old single men and women."

In the registration lines women and men endured the scorching August temperatures, hot winds, and blowing dust. At Caldwell, Kansas, however, "several hundred women were registered before noon [of the first day], as most of the strippers were gallant enough to resign their places in the line to members of the fair sex," according to Joe Milam, who numbered himself among the "gallant strippers."

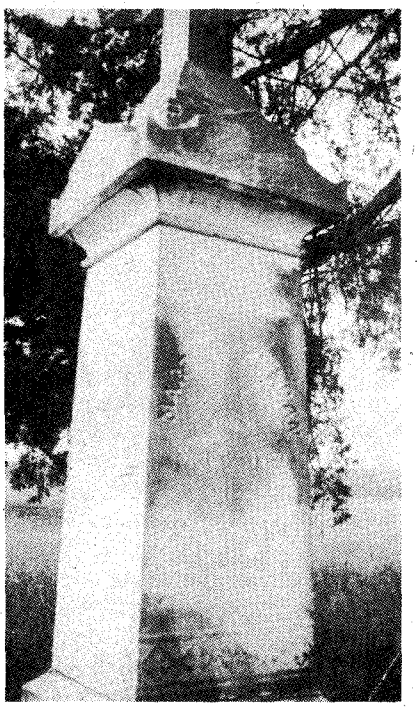
But at least two newspapers of the time, *The Guthrie Daily News* and *Oklahoma Times Journal*, ran articles bemoaning the fate of the female landseekers. "It is a shame, a crying shame," ran one editorial, "that women should be allowed to participate in this mad struggle for land. If they have friends, they should look after them."

But for reasons as varied as the women themselves, women made the run. Widows wanted land on which to raise their growing families. Young women wanted a place of their own. "Old maids" wanted a dowry. Opportunists planned to sell their lots for quick cash. Whatever chivalry the women found in the registration lines ended on the day of the race. An editorial summed it up neatly: "The race was a business affair."

Conveyances varied, too. Homesteader A.M. Thomas, in a letter to his daughter, wrote, ". . . a woman standing in the front ranks among the horses. . . jerked off her sunbonnet, grabbed a handful of her skirts and made as pretty a foot race as I have ever seen. When she was sure she had gotten over the line, she sat down, struck her flag in the ground and raised her umbrella."

Nancy Wormington drove a wagon. Her sons sat on the back and "held their guns ready so that no one could pass them."

Laura Crews wore a "bifurcated" skirt and rode astride a swift pony. Minnie Fish rode sidesaddle on a fine, black horse. Almost a hundred years after the run, Minnie's granddaughter wrote, "I didn't know she was an unusual grandmother. I thought everybody had a grandmother who made the run."



Both: Pat Schmidt Photos

Left: This stone marks Martha Fagan's grave site in the churchyard at St. Mary's; her name is misspelled on the marker. Right: Beside a freshly plowed field, a stone marker commemorates St. Mary's church, built on Martha Fagan's claim.

won, regardless of who actually put down the white flag.

Into this writhing mass of horses and people add the troops stationed at the border to maintain control, groups of Indians who thought that staking a claim was a better deal than the land they were given, and cowboys and sooners, the former feeling they had prior claim to the land, the latter seeking squatter's rights. The vile wind continued to swirl the dust around them all, and in the dust came the smell of smoke, for someone or something had set the prairie ablaze. Soldiers, sooners, and sparks from a train have each been blamed by various historians.

J.J. recounted the experience. "Wind was blowing from the south very hard. Sooners had come in ahead and set fire to the prairie. Smoke and soot blew in our faces. Our faces were black by the time we got to our claims."

The Guthrie Daily News corroborated J.J.'s version. "Unwashed, unkept, torn and black, the pioneer women looked as if they had been living in a coal mine, and what was more, they didn't seem to care a snap about it. In fact, they seemed to stand it better than the men."

Martha put down her flag on the southwest quarter of Section 35, Township 28 North, Range 4 West in what is now Grant County. John staked the quarter-section to the east, the southeast quarter of Section 34, for their brother, Joe. The Aherns staked the northwest quarter of Section 35, just north of Martha's claim.

The night of September 16 Martha bedded down on her own land. J.J. arrived on his bicycle, his dog following, to hold his Uncle Joe's claim. He had with him his gun and a few days' supply of food. For all the hot days, the September night was chilly, but J.J. had his dog to keep his feet warm. The Fagans filed their claims at the land office in Enid.

The first task was to build two shacks for winter shelter—two rooms for Mar-

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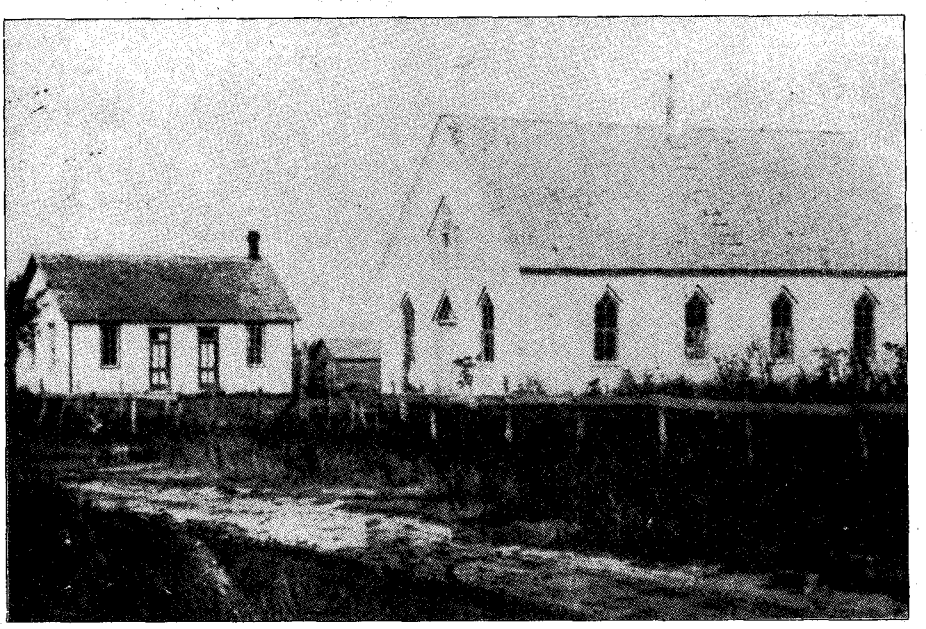
tha and a one-room shanty for J.J. A little creek ran through Martha's land, providing not only water but trees along the banks for firewood.

As soon as her house was built, Gertrude and Agnes came to Martha's homestead to live with her, the only mother they had ever known. Because of the prevailing attitudes about the "wild Indians" in the area, John built a special well in front of Martha's house with ladders going down inside so that Martha and her charges, three females alone on the prairie, could hide. It was built so that the three could hang onto the ladders and be out of sight, even to someone at the well.

Agnes told her daughter, Dorothy, that only once did they hide in the well. A band of Indians came by, drew water from the well, and never saw them. She admitted that hanging on the ladders inside the well was scarier than the Indians, which could be the reason why they never hid there again.

In December 1897 Joe relinquished his claim to his brother, John, likely because of poor health. Where the shanty had been, John built a ten-room house. It had six bedrooms, including one for visiting priests, and a parlor and music room divided by glass doors. He sold his Kansas farm and moved the remainder of his family to the outlet.

J.J. married and added a third generation to the Fagan homestead. His daughter, Juanita, remembers the well by the big house was deeper than Martha's, but its water was not as good. "Right across the road was Martha," she said, "with all her beautiful water."



Author's Photo

St. Mary's church and school, circa 1900, three miles north and one-half mile west of Numa on Martha Fagan's claim.

The raw land did not change Martha much. Rather, like her brother, John, she placed her mark on the land, bringing with her what she held most dear—home, family, and church. In May 1898 she deeded five acres of land to Bishop Theophile Meerscheart for the building of a church, St. Mary's, and school. About a year later Joseph died and was buried in the churchyard at St. Mary's, on his sister's claim. Father Sevens was St. Mary's pastor.

Juanita remembers that the McQuires, a family related to the Fagans, built the church. The McQuires had worked as woodcarvers on the Notre Dame in Montreal and had brought their woodcarving skills to the Oklahoma prairie.

Martha's "babies" grew up with her graceful guidance. When Gertrude was fifteen Father Sevens was transferred to Ponca City and, Kathryn recalled, "coaxed Aunt Martha to go along to be his housekeeper . . . . Auntie went." Martha died shortly after, in March 1901, of pneumonia.

The train carried Martha's body home to Numa, where John waited with the spring wagon. Once again she rode to her claim in the wagon with her brother. Father Sevens led the procession from the house to St. Mary's, a half-mile away, in the rain. She was buried in the churchyard beside Joseph, home forever on the land she claimed in the run.

John lived until the early 1920s. The last thing he asked his son, J.J., to do was to find some money John had hidden in his mattress—about $1,800 in gold and bonds. J.J. was to take $100 to the farmer near Chillicothe with whom John had traded horses so many years before. John felt that the farmer had gotten the bad end of the trade, and he wanted to make restitution. J.J. honored his father's wishes.

Wells, ponds, orchards, a good name, and a church built by loving hands were all part of Martha's legacy. The prairie country would have been poorer without the gentle touch of Martha Fagan and the women like her who staked not only claims, but their lives, on the outlet.

Author's Photo

Inside St. Mary's. Note the carved wood and the pressed tin ceilings.

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Gunfight at the S

By ROBERT V. HUNT, JR.

Thursday night, February 2, 1905, was typically cold in the Cripple Creek, Colorado, mining district. Just past nine o'clock two masked men hurried through the back door of John Mausett's saloon at Elkton, a small mining camp three miles south of Cripple Creek. They ordered the proprietor and his three customers to raise their hands.

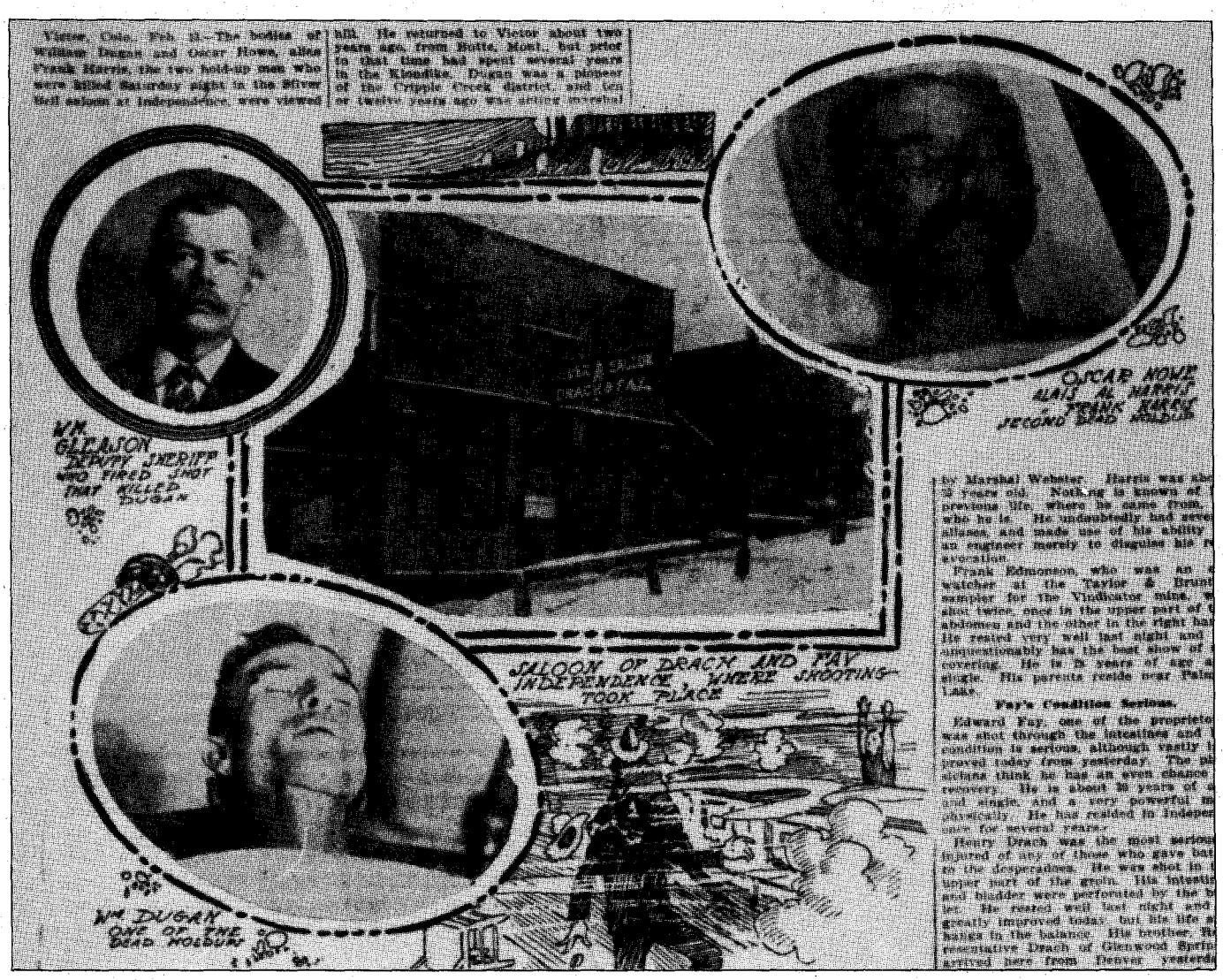
The bandits quickly locked the doors, doused the lights, and lined the dazed men against a wall. They then spent a full fifty minutes searching the building for valuables. For some reason they refrained from robbing the customers, whom they forced to stand with their hands in the air the entire time.

As one victim later recounted, "One of the hold-ups kept a gun on the inmates, occasionally breaking into a box of cigars or sampling the wet goods." Before disappearing into the night, the bandits forced the men into the anteroom, with a warning to remain there for half an hour. They fled with twenty-five dollars, three six-guns, a rifle, a shotgun, and a few trinkets.

Witnesses later described the men as being on the slender side—between 140 and 160 pounds—and wearing "canvas digging clothes." One stood taller than his companion, who had light-colored hair.

The bandits had apparently escaped. Lawmen in the Cripple Creek region suspected the masked duo were the same men who stole $47.50 from the Economy market in Victor in January. The Victor bandits were described as being a tall man with dark hair and a shorter man with light hair, but other than that, there were few tangible clues to the culprits' identities.

But a Victor hanger-on named Peter Johnston knew exactly who they were. Far from being drifters or outsiders, the



Colorado Historical Society

The February 13, 1905, *Denver Post* reported the shootout in lurid detail.

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ilver Bell Saloon

highwaymen who had terrorized the Cripple Creek region for the past several months were two local characters—William "Billy" Dugan and Oscar Howell.

Dugan was born and reared in Newark, New Jersey, and arrived in Colorado about 1885. By 1890 he was working as a cowboy on the Walker ranch near Husted, and by one account "...was a free, rollick-some cowboy with no bad habits. He used the soothing narcotic-tobacco, but seldom indulged in intoxicants and never imbibed to an extent that lost him his mental balance."

In the early 1890s, Dugan moved to Victor, and while in the Cripple Creek district he served a term as acting marshal of the tiny community of Merigold. Later, he worked as a railroad section hand, spending most of his time at Monument, near Colorado Springs.

In 1893, Dugan, with Jack Caldwell and George Cannon, a deputy sheriff under Sheriff John Clark of Dolores County, tried to hold up the Rio Grande Southern depot at Rico, in southwestern Colorado's San Juan country. The attempt failed. A woman living in rooms directly over the depot office heard a suspicious noise and fired several shots, frightening away the would-be desperadoes. Three other men were wrongly jailed for a year in connection with the bungled holdup.

SOMETIME AFTER the Alaska gold rush of 1896, Dugan and Peter Johnston headed for the North Country. By 1898, however, they had heard about the gold strike near Dawson, and the two adventurers moved on to Canada. Exposed to the hardships of life in the boom areas of Alaska and Canada, Dugan reputedly opted for the life of an outlaw. The two returned to the Cripple Creek district in 1903, after a stay in Butte, Montana.

One observer later speculated that Dugan had returned to Colorado intending to live as a law-abiding citizen, but Johnston's company and a chance meeting with Oscar Howell changed all that. The failure of a mining lease to pan out made his decision to don an outlaw's mask easy.

According to the *Denver Post*, Dugan fit the pattern of a latter-day Robin Hood or Dick Turpin. During the day he acted the part of a gentleman, sober and polite, but in the dead of night a transformation occurred and "...he appeared in dark clothes, with heavy, ugly looking revolvers, a black sweater, a black mask, and he was the daredevil highwayman, ready to steal and to commit murder."

While none denied that Billy Dugan calculatedly adopted the life of an outlaw, many acquaintances vouched for his generosity and loyalty. The same could not be said for Oscar Howell. Born in Pennsylvania about 1870, the son of a Civil War hero, he arrived in Colorado in the late 1880s. First finding work at a mine in Gunnison County, Howell stayed in the area several years, moving from mine to mine.

According to those who knew him, Howell's "one great fault" was an innate laziness, which conflicted with his fondness for expensive clothes and the other trappings of the good life—including the company of fast women. Restless and shiftless, and despising the monotony of his job as a stationary engineer, Howell came to Cripple Creek in 1893 and settled at Altman, where he continued shifting from mine to mine.

Soon after, Howell walked into an Altman saloon and met Archie McMellen and Charley Haggerty. According to the *Denver Post* of February 24, 1905, "One dark, cold night, the three men held up a Hebrew jeweler named Wolff in Altman and secured diamonds and money." Their identities soon became known, and Howell absconded to Arizona and other points west, where he allegedly became involved in several heinous crimes—including murder.

He returned to Cripple Creek in 1902 or 1903, adopting the alias of A. Frank Harris. He purchased a cheap restaurant on South Fourth Street, but the venture failed, and he went to work as an engineer at the Old Gold mine on Beacon Hill.

Peter Johnston, who knew both Howell and Dugan, later said Howell "...was very willing to spend his money with companions, but he did not possess the big heart of his co-partner in crime. He would lend or give money away, but he cared little about distress, and was underneath the veneer of affability a cold-blooded, careless, reckless man."

The initial exchange erupted into a "veritable battle," as the bandits, the lawmen, and a number of others exchanged at least fifty shots. "Bullets flew in every direction, imbedding in the bar, woodwork, piano, as well as shattering glasses behind the bar and ploughing their way through the windows."

While living in Arequa Gulch in December 1904, Howell came forth as the only witness to the shooting of William Gladden by his wife, Della. Because the .38-caliber revolver used in the killing belonged to Howell, and because his relationship with Mrs. Gladden was common knowledge, many suspected that he murdered Gladden—a suspicion subsequently confirmed by Peter Johnston. In addition to hiring an attorney to defend Mrs. Gladden, Howell testified on her behalf before a coroner's jury. She ultimately was acquitted.

A week after the Elkton holdup, a woman riding a Cripple Creek electric car eavesdropped on a conversation between two men who were planning a robbery. She informed the local lawmen, who in turn prudently warned proprietors catering to employees of the Vindicator and other mines to be on the lookout for suspicious characters during the days following payday, February 10.

Saturday night, February 11, 1905, was snowy and bitterly cold. As the clock ticked toward ten o'clock, festivities were in full swing at the Silver Bell saloon on Montgomery Avenue in Independence, a small mining camp on Bull Hill, about an equal distance between Cripple Creek and Victor.

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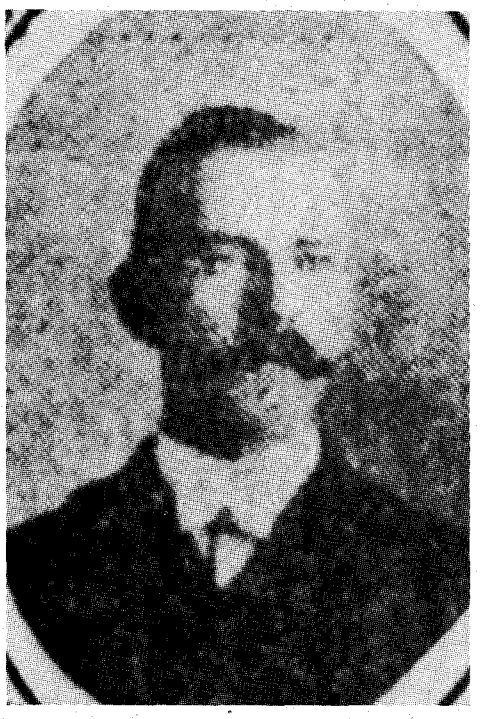
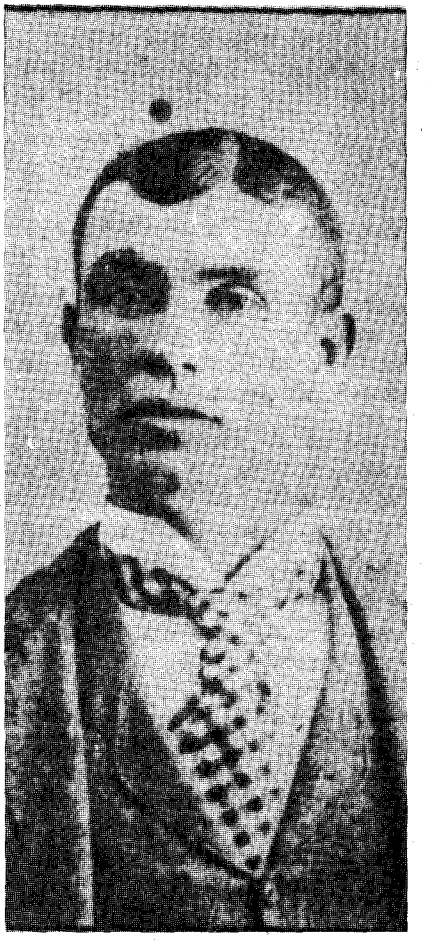
Both: Colorado Historical Society





Left: Acquaintances considered Oscar Howell a cold-blooded individual. Right: Billy Dugan was a Jekyll-and-Hyde type character on the Cripple Creek scene.

Edward Fay and Henry Drach, owners of the Silver Bell, no doubt welcomed Marshal C.H. Webster and Deputy Sheriff William Gleason that night as they mingled with the miners and cowboys in the smoky, two-room saloon. As the evening wore on, the lawmen settled behind an old piano beneath an archway dividing the structure. Some twenty to thirty men were crowded around the front bar area and in the back room with its card and pool tables.

Amid the conviviality, the back door opened and two masked men in dark clothing walked in, each armed with two "formidable looking" six-shooters. The first masked man—taller and darker skinned than his companion—strode up to Henry Drach, the 50-year-old co-owner, who had joined some customers in a game of pool. He ordered Drach to "throw up his hands." Drach, bending over the table, caught a glimpse of the masked figure. For some reason, he ignored the command, called out, "Hello boys," and returned to his pool game.

M.G. Curran (also spelled Kearns) busily engaged in a card game, saw the holdups and heard the command. Under the impression that a prank was being staged, he joined in by putting the cards in front of his face and shouted for the badmen to shoot toward New York. After the shooting started, he slid under a pool table.

Not waiting for Drach to act, the "tall and spare" gunman hurried to the front of the saloon, carrying his weapons next to his legs. Reaching the bar, where Edward Fay was working as the bartender, he stopped and leveled his weapons at the co-owner, a thirty-eight-year-old giant of a man who stood well over six feet tall and weighed 240 pounds. The gunman ordered, 'Hands up!" Remaining in the back section, the short bandit also barked a command and brandished his guns menacingly.

IN HIS HASTE, the tall desperado had failed to notice the lawmen sitting quietly behind the piano. No sooner did he open his mouth than Webster and Gleason "drew their revolvers and jumped to their feet, showing only their heads above the piano." Gleason shouted, "That won't do, boys." Wheeling toward the sound, the tall gunman momentarily took his eyes off Fay and retorted, "Every man hold up his hands or be shot."

Fay ignored the command and reached under the bar for a weapon. The gunman spun and fired point blank at the proprietor, hitting him at least once. Fay fell to the floor behind the bar.

Almost simultaneously, the lawmen fired at the game bandit. He struggled to return the fire, but the piano was good cover for the officers. The initial exchange erupted into a "veritable battle," as the bandits, the lawmen, and a number of others exchanged at least fifty shots. "Bullets flew in every direction, imbedding in the bar, woodwork, piano, as well as shattering glasses behind the bar and ploughing their way through the windows."

Stunned by the fusillade, the tall bandit dashed through the archway to the back room, putting himself directly in the lawmen's line of fire. Hit, he reeled, fell face first to the floor, and dying, twisted over on his back.

Bullets continued to fly. Ignoring his own serious wounds, Fay lurched from behind the bar to try to reach his partner in the back. For his part, Drach was busily engaging the other bandit with fists and a pool cue. Against the bandit's marksmanship skills, Drach's effort showed more courage than sense. M.G. Curran, who had crawled out from under his table and grabbed a pool ball, also struggled to subdue the bandit. Gun in hand, Fay, too, "...grappled with the short man, but found him of a physical prowess that denied success of muscular contest." Fay did, however, "floor him with a shot or blow, which onlookers are not agreed."

In a desperate fight for his life, the short outlaw continued to fire as he fell to the floor. Both lawmen, seeing an opening from their position near the piano, fired directly at the desperado. Before succumbing to his multiple gunshot wounds, the man fired at least five shots—all of which hit a target. Drach and Fay both suffered several wounds.

The short bandit also endured the wrath of the resident pet, a stray dog that had found refuge at the Silver Bell. A witness told the *Cripple Creek Times*, "Throughout the fight it barked valiantly on the side of the defenders, and when [the bandit] went down, felled by a blow from the butt of a gun or some other weapon, the dog sank its teeth into the highwayman's flesh and hung on with a death grip. To relieve himself, [the bandit] shot at the animal's head. Such was the accuracy of his aim, even while prostrate and wounded, that the ball ploughed through the dog's nose and brought the desired release."

The dog's bloody nose was the last

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thing the short bandit saw. As bullets riddled his body, he "...stretched his legs apart and died like any other man who takes his chances and loses."

Despite the severity of its wound, the dog apparently survived—which was more than could be said for its masters. After the dense smoke cleared, five men and a dog were lying on the tobacco-stained wooden floor. Besides the two slain bandits, Fay and Drach were prostrated by deadly wounds, and a patron named Frank Edmondson lay clutching at wounds to his left hand and thigh. The stricken men were transported over snowy roads to the McKensie Hospital in Victor (six miles from Cripple Creek), while the dead men were taken to the local morgue. Ironically, it turned out that one of the bandits had been living above the Hunt Mortuary Company in Victor.

Under the cold glare of a mortician's lamp, an examination disclosed that the tall bandit, who was clean shaven and missing an upper tooth, stood five feet ten inches tall and weighed 160 pounds. He had dark gray hair and eyes. One shot had hit him in the right side of the neck, near the shoulder; the fatal wound came from a shot in the back that passed completely through his body.

His sidekick measured five feet eight inches tall and weighed 145 pounds. He had dark blue eyes and wore a "sandy" mustache. In addition to bullet wounds to the head, heart, breast, and leg, his right temple was smashed by a pool cue or gun butt.

The *Cripple Creek Times* expressed a widely held opinion about the outlaws: "While their gaping mouths, distended eyelids and bloody faces may influence conclusion that they were of a low order of criminal, their mental dome and other features confirm it." Initially, many believed the men were strangers in the Cripple Creek district and possibly were not the bandits responsible for the earlier holdups. But when Victor Police Chief H.A. Naylor joined the hundreds of men, women, and children who gazed on the dead faces of the bandits, the mystery ended. He recognized the tall bandit as Billy Dugan and the short one as Oscar Howell.

Several days after the gun battle, Peter Johnston staggered into the Monarch Saloon in Victor and told everyone within earshot the lowdown on Billy Dugan and Oscar Howell. Among those who were all ears was Chief Naylor. After drunkenly implicating himself in one of the earlier holdups, Johnston was promptly arrested and taken to jail to be "sweated."

Three days after the shootout, Henry Drach died at the Victor hospital. Edward Fay, who managed to survive nearly two weeks, was shot three times and ultimately expired from a bullet that pierced his heart and lung and came to rest in his diaphragm. That he lived as long as he did was attributed to his large size and strong constitution. Drach was buried in Glenwood Springs, while Fay was interred in a local cemetery.

After several days in jail, Johnston accompanied Chief Naylor to a mine shaft on Grouse Mountain, where Dugan and Howell had supposedly stashed the guns from the Elkton saloon robbery. As it turned out, the ninety-foot shaft had no ladder and was filled with water. Naylor abandoned his search for the contraband from the Elkton saloon, and none of the loot was ever recovered.

About the same time, Undersheriff L.F. Parsons visited Oscar Howell's cabin in Arequa Gulch. In the pocket of Howell's coat he found a letter to the dead man's brother, "which to the superstitiously inclined seemed to indicate...a premonition of approaching trouble or death."

Besides Peter Johnston, William Newton, an old-time faro dealer and gambler, was arrested in connection with the Silver Bell shootout. Newton was reportedly seen in the company of Billy Dugan the afternoon of February 11, just hours before the crime. The lawmen found a "postal card" in Newton's room from an unknown person seeking money, and they reasoned that Dugan might have written it.

Newton was arrested on suspicion that he acted as a "look-out" for the other two men. "As the *Cripple Creek Times* conjectured, "...from the manner in which Dugan acted when he entered the barroom...it is believed that he expected the third man to come to the door, but if there was such a party he either failed to reach the front door in time, or hearing the shots he may have become frightened and ran away."

Neither Johnston nor Newton was prosecuted as an accessory to the crimes Dugan and Howell were involved in, and they soon disappeared from the scene. As for Dugan and Howell, they were buried, with little ceremony, at Victor's Sunnyside Cemetery. It was, as someone said, the end of the trail for two outlaws who pushed their luck to the limit.

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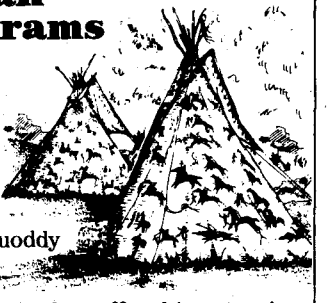
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Chama, New Mexico

The "Hurrah" Town at the Front of the Narrow Gauge

By ROBERT J. TORREZ

Chama, New Mexico, was little more than a sprawl of canvas on December 31, 1880, when the first Denver and Rio Grande engine chugged into the broad river valley where the town was established just below a low mesa. Trailing the work crews who laid the track for that first train were scores of outlaws, gamblers, and a myriad of unruly characters. They quickly bestowed on the fledgling community a well-deserved reputation for being "the paradise of desperados, lawless men and fugitives from justice."

REWARD—$2,250—REWARD

WHEREAS, Indictments are now pending in the District Court of Rio Arriba County, New Mexico, against Isaac Stockton, James Garrett, Hargo Eskridge, Thomas Radigan, Charlie Alison, Lark Reynolds, Wilson Hughes, alias "Texas Jack," and Bill Hunter, alias "Tex." As authorized by law, I offer rewards for the capture and delivery, separately or otherwise, of said persons to the Sheriff of Rio Arriba County or the Sheriff of Santa Fe County, New Mexico, as follows:

$500 for the capture and delivery as stated, of Isaac Stockton.
$250 for the capture and delivery as stated, of James Garret.
$250 for the capture and delivery as stated, of Hargo Eskridge.
$250 for the capture and delivery as stated, of Thomas Radigan.
$250 for the capture and delivery as stated, of Charlie Alison.
$250 for the capture and delivery as stated, of Lark Reynolds.
$250 for the capture and delivery as stated, of Wilson Hughes, alias "Texas Jack."
$250 for the capture and delivery as stated, of Bill Hunter, alias "Tex."

Identification of prisoners must be made to the satisfaction of the Sheriff to whom they (or either of them) are delivered, and his certificate produced.

Executive Office,
Santa Fe, N. M.
April 25, 1881.

LEWIS WALLACE,
Governor of New Mexico.

New Mexico State Records Center and Archives

Reward poster issued by New Mexico Governor Lew Wallace for Rio Arriba outlaws, 1881.

Early reports such as these prompted the Las Vegas, New Mexico, *Daily Optic* to nickname Chama "The Hurrah Town Out at the Front of the Narrow Gauge." The label was not intended as a compliment.

Located in northern Rio Arriba County, about ten miles south of the Colorado border, the town is nestled along the Chama River, which flows through the spectacular southern Rocky Mountain valley of the same name. Like many railroad towns of the period, Chama in 1881 consisted mostly of tents and a few frame buildings. An early description noted that except for the railroad buildings and a handful of mercantile establishments, every one of the town's buildings and tents served as saloons and dancehalls where gamblers and the ever present "soiled doves" plied their trades. The report emphasized that Chama's prostitutes were "startingly voluminous" and, it added, "very much soiled indeed."

In mid-March of 1881, a group of Chama's more respectable citizens, fed up with the town's mounting lawlessness, formed a vigilante committee. Parading through Chama with a prominently displayed rope, they stopped at every saloon and suggested that all the "bunko steerers, thieves and murderers" should leave town. They apparently were quite persuasive, for much of the town's criminal element reportedly "left gracefully." A newspaper reporter who visited Chama that same month praised the vigilantes' efforts, noting that only a few "tin horn" gamblers, and others "too tame to be considered at all dangerous," remained in town.

But the vigilantes' gains were temporary. Conditions again deteriorated to the point where only "walking arsenals" dared appear on the streets. One observer noted that most of the town's residents "spend their time at night . . . in rioting, gambling, drinking, loafing, and [take] . . . a special delight in firing off six-shooters and Winchester rifles."

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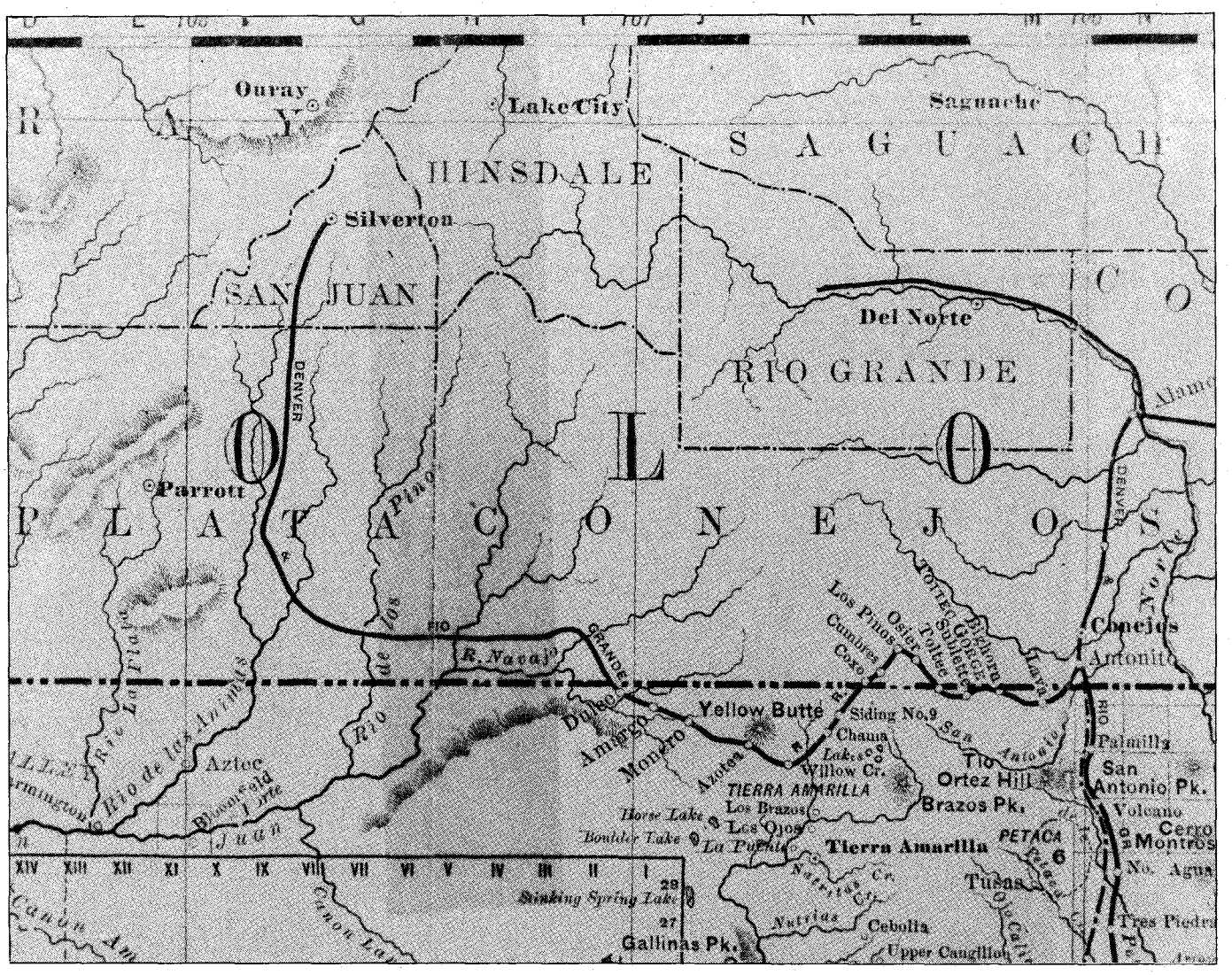

New Mexico State Records Center and Archives

Portion of 1883 railroad and mining map of New Mexico, showing the Denver and Rio Grande Railway through southern Colorado and northern New Mexico.

A tongue-in-cheek newspaper story pointed out that although Chama had no mosquitoes, the bullets which whizzed through the tents at night served the purpose of keeping residents awake "as well as those little pests." The reporter also suggested that anyone who was tired of life but had scruples about committing suicide could go to Chama and easily find someone quite willing "to relieve him of the necessity for self destruction."

As the D&RG rail line turned west at Chama and then north into the mountains of southwest Colorado, gangs led by the likes of Ike Stockton, Charlie Allison, the Coe Brothers, and other hardened refugees from the recent Lincoln and Colfax county wars, established themselves at the nearby settlements of Bloomfield and Farmington, as well as across the Colorado border at Durango. Those "wild fellows," as New Mexico Governor Lew Wallace called them, quickly began feuding among themselves for control of the lucrative cattle rustling trade, which had been developing throughout northwest New Mexico even before the railroad arrived.

In late March 1881, Governor Wallace responded to the mounting lawlessness by sending New Mexico Adjutant General Max Frost to Rio Arriba to investigate. The general took along sixty rifles, nine thousand rounds of ammunition, and instructions to organize and arm a militia company to help Rio Arriba County officials return a modicum of law and order to the region.

WHEN GENERAL Frost arrived at Chama on April 1, he found the town "very lawless and disorderly." He reported to Governor Wallace that it would take "a strong and constant organized force" to keep order. He then proceeded to establish the San Juan Guards, a militia company which proved instrumental in restoring peace and quiet to the region. It was a process, however, which required several months to accomplish.

In the meantime, excitement remained the order of the day at Chama. In June, *The Daily New Mexican,* a Santa Fe newspaper, reported the Allison gang had held up the town and "unceremoniously" relived Chama's citizens of "a goodly share of their worldly possessions.

"They are said to have used the point of their six-shooters to good advantage," the report noted, "and with the aid of these little persuaders, to have accumulated in a short time quite a pretty pile of wealth." They also appropriated a large amount of ammunition from one of the stores. No one was injured, but it was "probably because they gave up gracefully, and not because of any scruples on the part of Mr. Allison and his men," quipped the paper.

That newspaper story may have described the same hold-up which Harry

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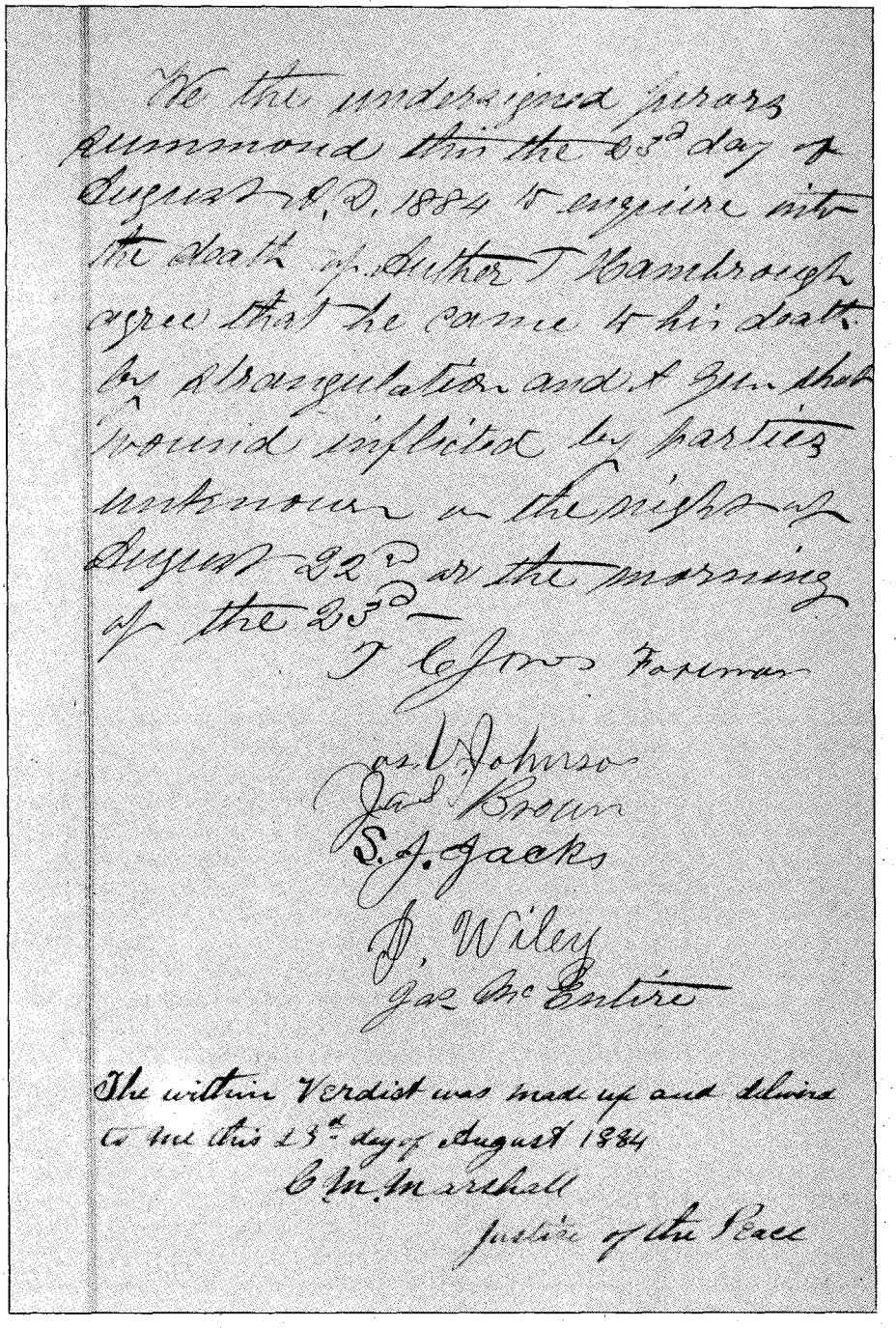
Jackson witnessed in 1881. Jackson was a blacksmith who had come to New Mexico earlier that year. He had set up his shop at Amargo, about ten miles west of Chama. His eyewitness account vividly illustrates the disorderly state of affairs which confronted law enforcement officials in Rio Arriba following the arrival of the railroad at Chama.

> In Amargo at this time another gang of desperadoes was headed by Charlie Allison; they had their camp in a little grove right below town. They all lived in a big tent, and I used to go there evenings and visit with them and have a good time. They were all young fellows, had a fine bunch of horses and each carried two guns. . . .
>
> One day at noon the stage from Chama, carrying passengers to Durango, rolled in and stopped at the General Store; at once this Allison gang held up the stage, then held up the store and so made a general clean-up. I was working in the shop and heard the shooting—they fired a lot of shots to intimidate the passengers. Among them was Mr. Peter Keegan, a D&RG contractor, who . . . lost his watch and money. This hold-up occurred in broad daylight, and as soon as it was over the young desperadoes went back to their camp and took a nap; nobody bothered them in the least.


We the undersigned jurors summoned this the 23d day of August A.D. 1884 to enquire into the death of Luther T Hambrough agree that he came to his death by strangulation and a gun shot wound inflicted by parties unknown on the night of August 22d or the morning of the 23d—

T C Jones Foreman

Jas V Johnson
Jas Brown
S. J. Jacks
J. Wiley
Jas McEntire

The within Verdict was made up and delivered to me this 23d day of August 1884
C M Marshall
Justice of the Peace

New Mexico State Records Center and Archives

Coroner's jury report on the death of James Hambrough. This was Chama's last lynching of record.

Most reports of the time seem to indicate that the older, well established, and predominantly Hispanic villages south of Chama were peaceful and not generally affected by the lawlessness which plagued their new neighbor. But those communities were not immune to the region's growing pains. On October 15, 1881, Del Lockhart and Slim Jim were arrested and taken to the Rio Arriba County jail at Tierra Amarilla, about twelve miles south of Chama. That same night, a group of men surprised the jailer, removed Lockhart, Slim Jim, and another prisoner named Edward Coulton from the jail, and, according to a letter published in the October 30, 1881, *Daily New Mexican,* "strung all three up."

THE INCIDENT clearly demonstrates that local residents had grown tired of the law's inability or unwillingness to deal decisively with criminals and had decided to take matters into their own hands. The *Daily New Mexican* account of the lynching proceeded to warn that from now on, thieves and murderers would find Rio Arriba a "most unhealthy part of New Mexico."

Chama settled down substantially in subsquent years. Occasional eruptions of violence, however, shattered the peace of the growing frontier town. Late one evening in August 1884, James Clifford was sleeping in Richard Clough's saloon, when Arthur Hambrough burst through the door. Hambrough walked straight to Clifford, kicked him, and called him a "damned SOB." As Clifford staggered to his feet, Hambrough pulled a revolver. Without warning or apparent provocation, Hambrough shot Clifford three times. Mortally wounded, Clifford barely managed to utter, "I am killed," as he collapsed on the saloon floor. Hambrough turned and calmly walked out into the darkness.

Later that night, a single gunshot echoed through the town. Shortly after daybreak, Hambrough's body was discovered dangling from a tree near the edge of town. Closer examination revealed he also had been shot once. A hastily convened coroner's jury ruled the gunman had died of "strangulation

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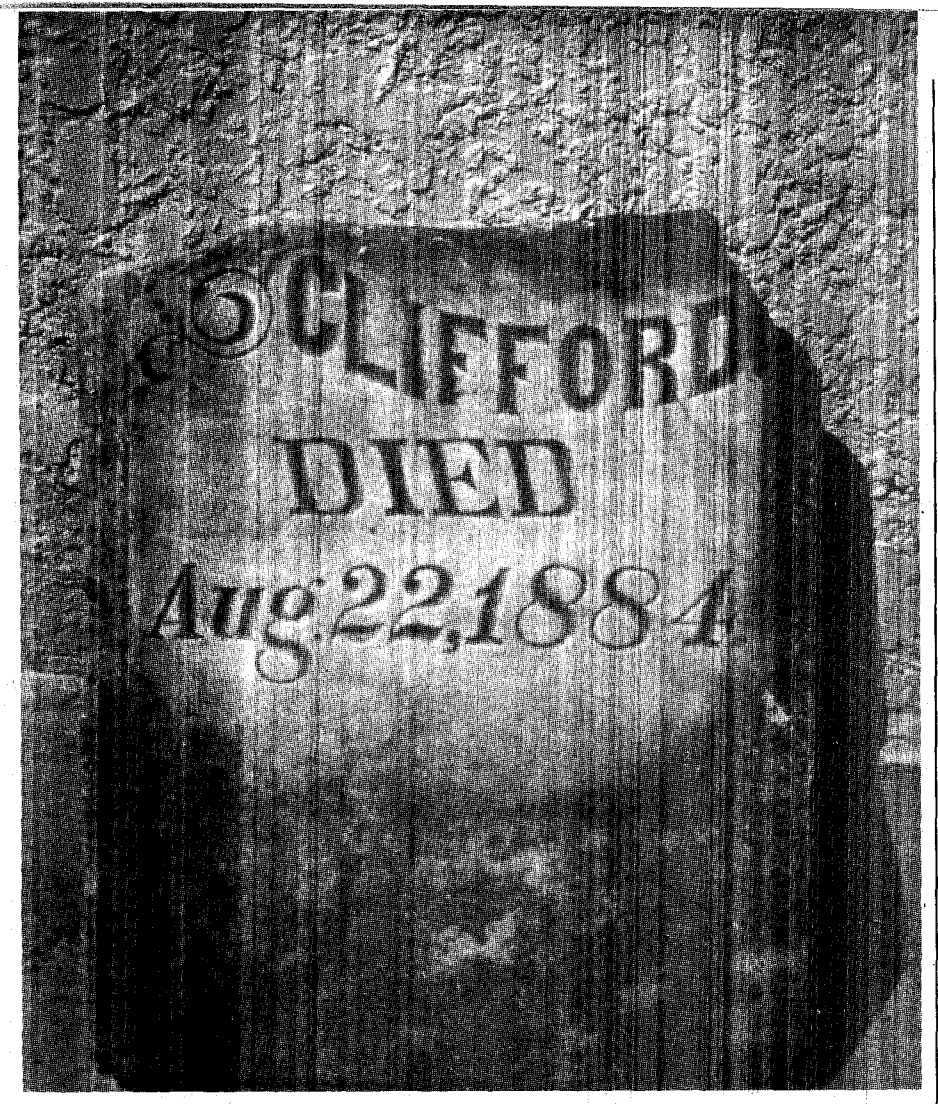

Author's Photo

James Clifford's headstone at Los Ojos, New Mexico.

and a gunshot wound inflicted by parties unknown" and quietly closed the case on Chama's only documented lynching.

James Clifford was buried the following day at the Catholic cemetery in Los Ojos, ten miles south of Chama. The church register which records his burial describes him simply as a "young stranger, killed in Chama, age about twenty four." The cemetery was abandoned many years ago, and its occupants reinterred to make room for the foundation of a new church which was constructed on the site in 1936.

CLIFFORD'S tragic death might have faded from all memory had it not been for the charity of an unknown person who provided his grave with a simple headstone. In 1982, I accidentally discovered part of Clifford's headstone among some rubble of the old church, which had been pushed over the edge of an adjacent hill. The headstone now leans against the church wall, a mute testament to the exciting, but often tragic frontier heritage of early Chama, the "Hurrah town" which today still stands, albeit quietly, at the end of the narrow gauge.

Chama Today

The Chama region has long been known for its fishing and hunting. During the past two decades, however, the town's principal attraction has been the historic Cumbres and Toltec Scenic Railroad. The former Denver and Rio Grande Railway narrow gauge line winds its way between southern Colorado and northern New Mexico over tortuous Cumbres Pass, reaching an elevation of 10,022 feet. The railroad, which is listed on the National Register of Historic Places, is the last vestige of this quiet mountain community's heady frontier days.

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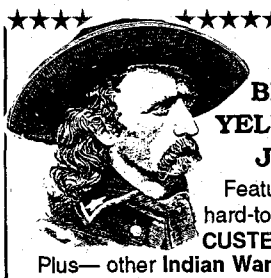

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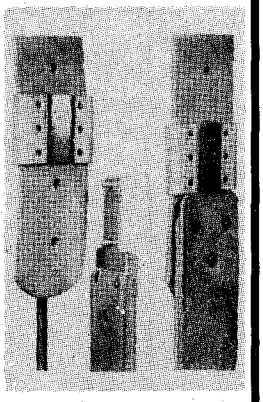

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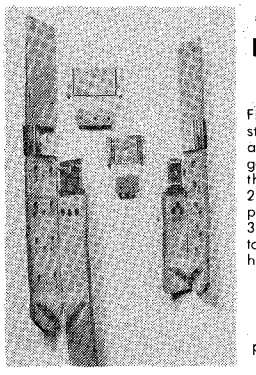

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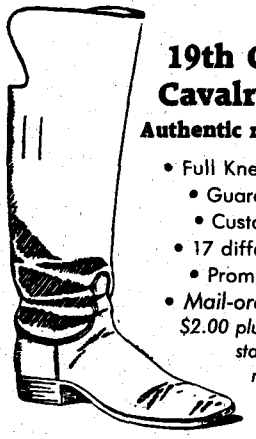

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Books

Truth Behind the Story

Elfego Baca in Life and Legend, by Larry D. Ball. (Texas Western Press, University of Texas at El Paso, El Paso, Texas 79968. $15.00 paper bound.)

For someone without even a reasonably good biography until now, Elfego Baca has certainly held his own in western history. If his name is not necessarily a household word, it is significant to those interested in Old West characters.

Baca is best known for an October 1884 episode in San Francisco Plaza (present-day Reserve), New Mexico. As Baca wrote the story years later, John Slaughter's cowboys had been treeing the town. As deputy sheriff, Baca sought to restore peace and quiet. A riot started, Baca retreated inside a shack, and for three days held off eighty cowboys who fired 4,000 rounds. In the process Baca killed four men, wounded eight more, and victoriously emerged without a scratch.

Trial records, of course, tell a different story. The cowboys numbered only thirty to forty and the siege lasted but thirty-six hours. Participants probably fired no more than 400 rounds, and Baca killed only one man—before the siege started. Even with Baca's celebrated nonsense, however, it was quite an exploit for a nineteen-year-old Hispanic. His fame grew, especially as the story magnified.

Baca later studied law and entered politics. Voters elected him sheriff of Socorro County, as well as district attorney and school superintendent. Baca published a Spanish language newspaper and opened a private detective agency. When the sensational New Mexico murders of Colonel Albert Jennings Fountain and his son Henry occurred in 1896, Baca sought to become investigator in charge; that job instead went to Pat Garrett.

Baca dabbled in mining and real estate and also got involved in the Victoriano Huerta revolutionary movement in Mexico. In January 1915, Baca shot and killed an opposing revolutionary on the streets of El Paso.

For the rest of his life, Baca quarreled with every politician of note in the Southwest. He jumped the Republican Party and joined the Democrats. He wrote his own autobiography, a rather rousing piece of fictional public relations. When Secretary of the Interior Albert B. Fall fell in disgrace, he pulled Baca with him. For a while Baca was a nightclub bouncer in Juarez, Chihuahua, then left that job and failed in a bid for the governorship of New Mexico.

The durable, always colorful Baca died in August 1945 only a few miles from where the first atomic bomb exploded that same year. He had lived through many changes. Larry Ball has written a fine biography.—*Leon C. Metz, El Paso, Texas.*

Telling it Like it Was

Frontiersman: Abner Blackburn's Narrative, edited by Will Bagley. (University of Utah Press, 101 University Services Building, Salt Lake City, Utah 84112. $27.50 cloth bound.)

Since the days of Lewis and Clark, the West has lured Americans of every walk of life, drawing them across the Great Plains and mountains to the Pacific shore. Many of those people made their place in history through force of personality, good or bad, or by being in the right place at the right—or wrong—time. Readers will have their own list of such colorful folk: Calamity Jane, Wild Bill Hickok, Kit Carson, John Sutter, and Buffalo Bill to name a few. But the vast majority of western wanderers found posterity only in lonely tombstone inscriptions, or in rambling memoirs buried in such family archives as the dresser drawer or attic trunk.

Once in a while one of those manuscripts turns out to be a rousing tale of adventure as well as literature of high order and actually sees print. *Frontiersman: Abner Blackburn's Narrative* is such a book.

Deaf, in failing health, and toughing it out on an eight-dollar-a-month Mexican War pension, the Abner Blackburn who sat down in 1889 to pen what he termed "an account of my past misdeeds" was a man who had certainly "seen the elephant." His account of life on the frontier gives a vivid sense of immediacy to the period from the mid-1830s to the early 1850s.

Coming from a Mormon background, Blackburn struck out on his own at eighteen. Steamboating on the Missouri, he also worked in the Illinois lead mines, then joined Brigham Young's

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Mormon Guards. Wounded by a fellow rookie in the careful handling of firearms, he returned to his parents' home in Nauvoo, Illinois, until he recovered.

Not one to be sidetracked for long, Blackburn became a teamster hauling supplies to Mormon settlements in the Southwest, then joined the Mormon Battalion as a volunteer in the Mexican War. After a great deal of marching and countermarching, he wound up at Salt Lake City in time to witness that Mormon colony's establishment. Leaving Salt Lake with a party of Mormon officers on a trek to the West Coast, he viewed the mournful remains of the Donner Party, visited Sutter's camp before the big strike, gawked at beautiful Spanish senoritas, and returned to Utah in late 1847.

Blackburn hit the trail to the California goldfields in 1849, having already turned up the first evidences of silver in Nevada. He eventually made a solid strike on the American River—as he said, "Gold is whear [sic] you find it!"

Readers will have no difficulty deciding the truest gold has to be Abner Blackburn's unvarnished memoir. While a fortune in gold dust slipped through his hands, Blackburn was rich in memories.—*Bill Garwood, Mechanicsburg, Pennsylvania.*

Also Worth Noting...

Rocky Mountain Mining Camps, The Urban Frontier, by Duane A. Smith. (University Press of Colorado, PO Box 849, Niwot, Colorado 80544. $14.95 paper bound.)

A reprint of Smith's 1967 book on western mining towns and camps. Smith was the first to recognize that mining in the Rockies was more an urban way of life than a ruggedly individualistic endeavor.

Duelling in America, by Major Ben C. Truman; edited by Steven Randolph Wood. (Joseph Tabler Books, 5650 Riley Street, San Diego, California 92110. $9.95 paper bound.)

A reprint of Truman's 1884 book (originally titled *The Field of Honor*), this book presents famous duels involving the likes of Jim Bowie, Sam Houston, and Andrew Jackson.

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Trails Grown Dim

Stubbs

My great-grandfather, Benjamin John Stubbs, was reportedly in the Port Lavaca, Texas, area in 1870–75. He shot a man but I do not know if the man died. Benjamin then left that part of the country in great haste with my great-grandmother.

My grandfather, their first child, was born in Brown County, Texas, in March 1875. A marriage license exists for a B.J. Stubbs and a Mrs. L.E. Hassea (Hussea? Hassen?) for April 1880. The next record is a census report for 1880. The family then lived in Hunt County, Texas.

I am trying to learn my great-grandmother's maiden name. Her tombstone in Fannin County, Texas, indicates her first name was Sarah. I am also trying to find the identity of the man my great-grandfather shot. I will answer all correspondence.—**Iva L. Cable, PO Box 486, Fletcher, Oklahoma 73541.**

Gobert-Verette-DeVille-Guillary

I am looking for information on the Gobert family. Other family names are Verette, DeVille, and Guillary. Lizima Verette married Alexson DeVille about 1870, their children were Amay and Auther. Alfonsine Guillary married Oscar Gobert; their children were Alsa and Ophelia. Alsa married Amay DeVille in 1916, and they had five children. Alsa and Amay lived in Louisiana for a time before moving to San Antonio, Texas, where they lived until their deaths.

That is my mother's family; my father's family name is Holland and I am also looking for information on Elisha Holland, who married Ida Caughman. I will answer all responses.—**Debra Holland, Rt. 5, Box 42-1, Jacksonville, Texas 75766.**

Koozer

I am seeking information on the parents of my great-grandfather, Frederick Minton Koozer, born January

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1, 1833, at Columbus, Ohio. He married Lucida Villeta Wood on June 24, 1858, and they had fourteen children. They moved to Geneva, Nebraska, in 1889.

I am also looking for information on Fredice Koozer, born in Peoria, Illinois. He married Elizabeth Thompson and they had two children. I will answer all letters.—**Marvin Lynn Koozer, 819 11th Street, Aurora, Nebraska 68818.**

Lansing

In the December 1992 issue of TRUE WEST, the article "Brave Len Harris is Dead" mentions a Sheriff James Lansing. I have been doing research on the genealogy of the Lansing family and would like to know if he is related to my line of the Lansings. Does anyone know more about his background?—**Margaret Lansing Parker, Rt. 4, Box 391-B, Canyon Lake, Texas 78133.**

Fritzlan

I would like to locate some of the Fritzlans that may be in Oklahoma. My grandfather, W.C. Fritzlan, and his half-brother came from Indiana in the late 1800s. They parted at Humboldt, Kansas, the half-brother going to Oklahoma. W.C. went to western Colorado.

W.C. died in 1927 at Meeker, Colorado. My father, Andrew Guy, died in 1954 at Grand Junction, Colorado. I would like to hear from any Fritzlans or any of my uncle Sam McGrude's family.—**W.W. Fritzlan, 790-1575 Road, Delta, Colorado 81416.**

Shelley

My grandfather, Seal B. Shelley, was born in 1873 in Pennsylvania to Bert B. Shelley and his wife, Catherine H. Did they have other children?

Seal married Anna Maude Briney in 1896 in Johnstown, Pennsylvania, and they had children Charles and Leander (Lea). He left his family before 1910, never to return. Where did he go? Did he remarry and have another family? Who was Laura Shelley Clark or Laura Clark Shelley? I would like to hear from any Shelley from or in Pennsylvania.—**Nancy K. Byers, PO Box 37, Sprague River, Oregon 97639.**

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W.C. Brann vs. Tom Davis

—April 1, 1898; Waco, Texas—

By BILL O'NEAL

On November 19, 1897, a wild shootout erupted in Waco, a Texas town known in frontier days as "Six-Shooter Depot." Judge George Gerald, a fiery Confederate veteran, fatally wounded Jim Harris, editor of the Waco *Morning News*, and his brother Bill. The Harris brothers inflicted wounds on Judge Gerald before they went down, and Gerald suffered the amputation of an arm.

Jim Harris' editorial attacks upon a friend of Gerald's, William Cowper Brann, caused the confrontation. A controversial journalist, Brann soon would find himself trading shots with an adversary in the same block where the Gerald-Harris gunfight had taken place.

Brann was born in Illinois in 1855, the son of a Presbyterian minister. The boy's mother died when he was two. He was placed with a farm family, but he ran away at the age of thirteen. At various times he was a hotel bellboy, a house painter's helper, a fireman on a freight train, a pitcher for a semi-pro baseball team, and manager of a forty-member opera company. A job as a printer's devil led to a cub reporter's position, and by the 1880s Brann had developed into a superb journalist.

He married in 1877 and the couple had three children. Brann worked at the St. Louis *Globe-Democrat*, two newspapers in Galveston, the Houston *Post*, and the San Antonio *Express*. His work always proved controversial and he never stayed anywhere long. Brann briefly ran his own publication in Austin, but sold out to a young bank clerk with literary aspirations—William Sidney Porter.

Texas Collection, Carroll Library, Baylor University
William Cowper Brann at his office desk in 1895.

In November 1894 Brann moved to Waco, and after a typically short stint at the *Daily News*, he began producing a monthly broadside, *The Iconoclast*. It clamored for numerous Progressive reforms, while railing against such targets as the British, blacks, and Baptists.

The Iconoclast attracted an enthusiastic following. But Brann's publication inevitably alienated many people. Waco was a Baptist stronghold. Baylor, in the east part of town, was a leading Baptist college and *The Baptist Standard*, with a circulation of 24,000, was published in Waco. As Brann raved about the "God-forsaken gang of moral perverts and intellectual misfits" at Baylor, he stirred up a hornet's nest of irate Baptists. In October 1897 he was hauled onto the Baylor campus, where hundreds of furious students vilified and threatened him. Five days later a citizen held him at gunpoint and hammered him with a cane in downtown Waco. Undaunted, Brann continued his attacks upon Baptists.

Judge Gerald defended his friend with vitriolic letters to the editor, which led to his clash with Jim Harris. But not even Gerald's fatal gun battle with Harris and his brother could clear the air in Six-Shooter Depot. Brann continued to excoriate Baylor ("a manufactory of Ministers and Magdalenes," he called it) and other insititutions and individuals. The circulation of *The Iconoclast* soared to 120,000, but many people seethed at Brann's latest poisonous writings; Brann began carrying a Colt .38 Special as a precaution.

Brann had expanded his activities to the lecture circuit, and his manager, W.H. Ward, booked him on a spring speaking tour. Scheduled to embark by train on Saturday morning, April 2, 1898, Brann spent Friday afternoon in downtown Waco attending to last-minute business details.

Late in the afternoon Brann and his manager headed toward the Cotton Belt depot carrying Ward's brother. They walked along Fourth Street, passing Jake French's newsstand, only a few doors from the intersection where Judge Gerald had traded shots with the Harris brothers.

Tom E. Davis emerged from a real estate office and fell into step behind Brann and Ward. Davis was a local lawyer and real estate man whose daughter attended Baylor. Presumably he was incensed over the vituperation

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Author's Collection

A prophetic ad for *The Iconoclast*.

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Brann had heaped upon Baylor and the Baptists; he had been heard to declare Brann a scoundrel who should be run out of Waco.

"You damned son-of-a-bitch," shouted Davis at a startled Brann, "were you hunting me?"

Davis then cocked a .45 single-action Colt and fired a round into Brann's back. The heavy slug entered beneath Brann's left shoulder blade, tore through his lung, and emerged from his armpit.

Ward turned and grabbed for Davis' .45, but the gun went off again and a bullet ripped through Ward's hand. Brann, ignoring his wound, pulled his .38 and whirled to face Davis.

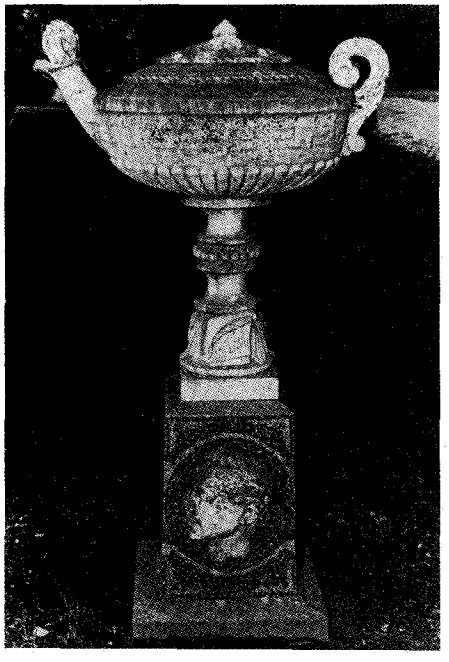
Brann's first shot hurled Davis off his feet. Davis collapsed onto the sidewalk, gasping in sudden pain, but he began working his .45 again. Brann was struck in the left thigh and right foot, but he emptied his .38 at the fallen man and three more slugs punched into Davis.

Two policemen rushed toward the battle but the damage was already done. In addition to Brann and Davis, three bystanders had been wounded—Ward, shot in the hand; a streetcar motorman named Kinney, nicked in the leg as he tried to flee; and Eugene Kepler, a traveling musician who was hit in the left foot.

The stricken Davis was carried into French's shop and stretched out onto the floor. A quick examination revealed an ugly wound beneath his right nipple, and he gasped that he also was shot in the kidneys. He was taken to his home where, surrounded by his family, he screamed out the last hours of his life.

Police arrested Brann and marched him to the city hall a few blocks away. As they approached their destination, the officers noticed that Brann's shoes were full of blood. They placed Brann on a couch and summoned physicians. Brann received injections of morphine and atrophine, then was carried in an ambulance to his residence on Fifth Street. He remained lucid, but at 1:55 a.m., April 2, 1898, W.C. Brann breathed his last.

Brann and Davis were buried in different cemeteries but at the same hour on Sunday. Brann's funeral cortege, featuring a brass band, was the longest in Waco history. His profile was chiseled onto his gravestone, but soon after it was set, someone slipped into Oakwood cemetery and fired a bullet into the temple of his image.



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Shortly after Brann's burial, someone fired a bullet into the temple of his image.

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A Law Unto Himself

By BEN T. TRAYWICK

When silver was discovered in southeast Arizona, many small mining towns materialized. Whiskey, weapons, determination, and little else were plentiful.

The law ruled by gun and knife in the river town of Charleston for a while, but about the time that the more responsible folk had had enough of lawlessness there appeared a tall man in a top hat and carrying a law book in one hand and a double-barreled shotgun in the other. He proclaimed himself the local law and set about to administer it as he saw fit. As there was no other law, the people of Charleston accepted him. He quickly became known as Justice Jim Burnett.

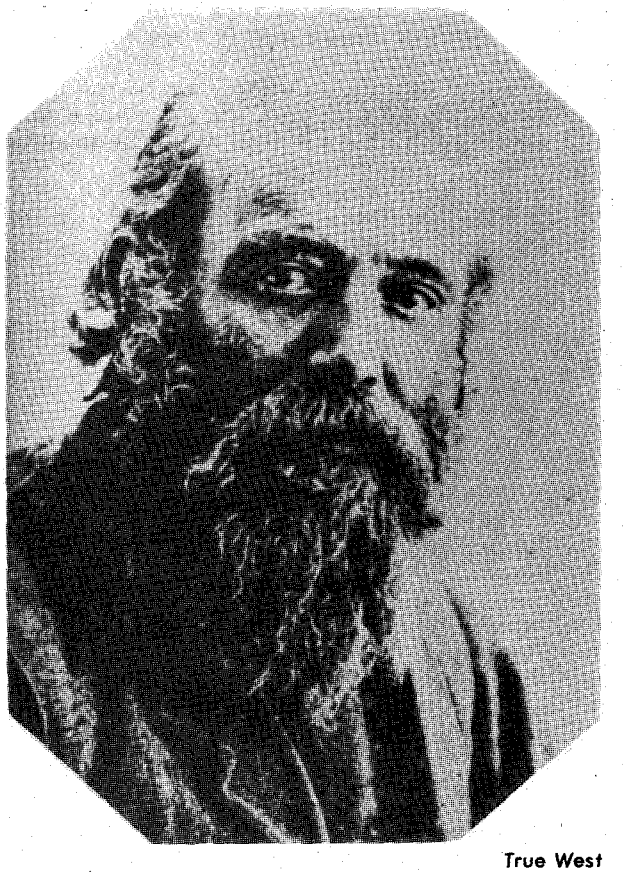
Burnett's interpretation of the law was, to say the least, unique. Sometimes it was downright strange and frequently arbitrary. Jim often remarked that his brand of law was short on jurisprudence and long on common sense.

A good example was the trial of Harry Queen, who owned Queen's Saloon and was the most popular denizen of the new camp. Queen was most liberal with credit and free drinks in his saloon, but he was very narrow-minded about decorum in his establishment. He tolerated a fist fight, or even an encounter with a gun or knife, so long as someone else disposed of the bodies or parts thereof and cleaned up any blood that might have been splattered about. But Queen absolutely forbade any breaking of furniture or bottles behind the bar, the shooting out of lanterns or windows, or any action that frightened off cash customers. When any of those things happened, Queen was difficult to deal with.

Thus it is easy to understand how Harry Queen reacted when Thomas Beckett threw a full bottle of whiskey through his nude painting of Fatima, then playfully shot up a well-filled poker table. Queen quickly hustled Beckett through the swinging doors and threw him into the dusty street. Standing in the door he yelled at Beckett, "If I ever see yore ugly face in my saloon again, I'll blow it and you to smithereens!"

He went back into his saloon and just as he reached the end of the bar the swinging doors were violently thrown open. Queen grabbed his shotgun, swung about and loosed both barrels at the figure in the doorway. His aim was excellent but the miner who lay dead, almost blown in half, was not the recently ejected Thomas Beckett, but a complete stranger.

Justice Jim Burnett took his trials to the defendants—no spot was too inconvenient. His actions were strictly in-



Both: Author's Photos

Left: A Charleston saloon. Right: Jim Burnett.

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dependent and he never asked anyone for help. Whatever may be said of him, his methods were direct and effective for the time and place.

Burnett issued warrants as needed, then, armed with his scattergun, served them himself. At any time, any place, and for any reason, he would convene his court and dispense justice immediately. His decisions were prompt and his shotgun enforced his verdicts. He offered no chance for appeal and collected fines himself.

Thus Burnett speedily convened his court in Harry Queen's saloon and arraigned the owner. He listened to the testimony, considered it from all angles, then assessed the mood of the large number of miners who had crowded in to witness the proceedings.

After due consideration, Burnett announced his decision. "It appears clear to me that friend Harry here didn't noway mean to shoot this here innocent skunk, that nobody knows which he done killed stone dead. So there can't be no such thing as malice aforethought entering into this here case. Therefore, so long as he didn't kill the feller he thought he was shootin', it's evident that the whole thing was a mistake and that there ain't no crime committed. This case is hereby dismissed, but Harry Queen has gotta pay for the burying of this here feller he done feloniously murdered!"

JUSTICE JIM Burnett continued to make decisions in the name of justice that baffled and astounded jurists all over the country. He was on his way to becoming quite wealthy when fate dealt him a cruel blow.

Later in life Burnett got into a dispute with William C. Greene (who would later become the "Copper King" at Cananea, Sonora) over water rights on their neighboring San Pedro River farms. When a dam gave way and drowned Greene's young daughter, the man, wild with grief, blamed Burnett. On July 1, 1897, he encountered Burnett leaving Montgomery's O.K. Corral in Tombstone. Greene pulled his revolver and with four rapid shots ended Burnett's life.

While Justice Jim Burnett was the law in Charleston he committed many crimes and likely condoned many more. Though guilty of many, an investigation proved him totally innocent of the last. Thus, Burnett paid the supreme penalty for the crime he did not commit.

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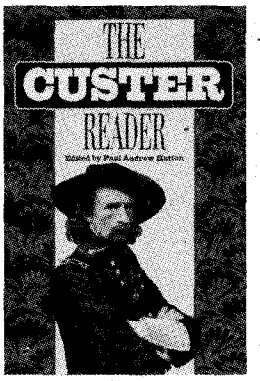

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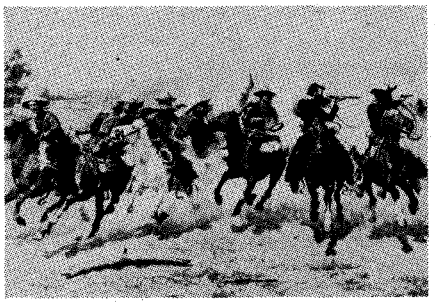

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